

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.583 of 2016

ORDER:

This petition is filed under Section 24 of C.P.C. to withdraw O.P.No.69 of 2016 from the file of the Family Court, Kadapa, and transfer the same to the file of the Family Court, Kurnool.

2. Heard the learned counsel for both the parties.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 30.08.2013 as per Hindu Rites and Caste Custom at Kurnool. Immediately after the marriage, the petitioner joined with the respondent to lead marital life. Due to one reason or other, disputes arose between the petitioner and the respondent. The petitioner has been residing at her parents' house in Kurnool. Legal notices were exchanged between the parties. The respondent filed O.P.No.69 of 2016 on the file of the Family Court, Kadapa, under Section 13(1)(ia) of the Hindu Marriage Act, 1955 against the petitioner for dissolution of marriage between them.

4. Learned counsel for the respondent submitted that Nandyal is the convenient place for both the parties. Even if the matter is transferred to Nandyal, the same may cause inconvenience to the petitioner, who is the wife of the respondent.

5. It is not in dispute that the petitioner has been residing at her parents' house in Kurnool. Being a lady, the petitioner may face some difficulty to attend the Family Court at Kadapa. It is a known fact that the petitioner has to take assistance of one of the

male members of the family in order to attend the Family Court at Kadapa.

6. While deciding the petitions of this nature, the Court has to take into consideration the inconvenience likely to be caused to the parties to the proceedings, more particularly, to the wife and children.

7. As per the principle enunciated in **T.Gayatri Devi v. Dr. Tallepaneni Sreekanth¹, Rachna Kanodia v. Anuk Kanodia²** and **Sumita Singh v. Kumar Sanjay and another³**, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

8. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am of the considered view that the relief sought by the petitioner deserves to be allowed.

9. In the result, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.69 of 2016 is withdrawn from the file of the Family Court, Kadapa and transferred to the file of the Family Court, Kurnool, for disposal in accordance with law. There shall be no order as to costs.

10. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 13.02.2017
Ivd

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396