

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.54 of 2017

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw HMOP No.2 of 2017 from the file of the Additional Senior Civil Judge, Tenali, Guntur District and transfer the same to the Family Court, Vijayawada, Krishna District.

2 Heard the learned counsel for both parties.

3 A perusal of the record reveals that the marriage of the petitioner with the respondent was performed on 15.06.2014 as per Hindu rites and caste custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Due to one reason or the other, disputes arose between the petitioner and the respondent, because of which, now the petitioner is residing at her parents' house in Pinapaka village in Krishna District.

4 While the things stood thus, the respondent filed HMOP No.2 of 2017 against the petitioner on the file of Additional Senior Civil Judge, Tenali, Guntur District under Section 13 (1) (iii) of Hindu Marriage Act for dissolution of marriage between them. Basing on the complaint lodged by the petitioner, the Station House Officer Pinapaka police station registered a case in Cr.No.14 of 2017 against the respondent and others for the offences punishable under Section 498-A r/w 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act.

5 The distance between Pinapaka village and Vijayawada is about 120 K.M. The contention of the learned counsel for the petitioner is that the petitioner is not in a position to attend the Court at Tenali due to financial problems.

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

7 As per the principle enunciated in **Sumita Singh Vs. Kumar Sanjay¹, Rachna Kanodia Vs. Anuk Kanodia², and V. Sailaja Vs. V. Koteswara Rao³**, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife. 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 petitioner deserves the relief as sought for.

8 The learned counsel for the respondent submitted that the respondent is a bank employee and hence he may face some difficulty to attend the Court at Vijayawada on each and every date of adjournment. He further submitted that the presence of the respondent may be dispensed with on each and every date of adjournment.

¹ AIR 2002 SC 396

² 2001 (7) Supreme 96

³ AIR 2003 AP 178

9 In the result, the petition is allowed and the HMOP No.2 of 2017 pending on the file of the Court of the Additional Senior Civil Judge, Tenali, Guntur District is withdrawn and transferred to the Family Court, Vijayawada, Krishna District for trial and disposal in accordance with law. The presence of the respondent before the trial Court is dispensed with on each and every date of adjournment. However, the respondent shall appear before the trial Court as and when his presence is so required. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

Date: 21.03.2017
Kvsn

T. SUNIL CHOWDARY, J

