

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.874 of 2016

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw H.M.O.P.No.36 of 2016 from the file of the Court of the Senior Civil Judge, Rayachoti, Kadapa District, and transfer the same to the file of the Court of the Senior Civil Judge, Piler, Chittoor District.

2. Heard the learned counsel for both parties and perused the material available on record.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 22.08.2013 at Rayachoti Town, Kadapa District, as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. For one reason or other, disputes arose between the petitioner and respondent; therefore, the petitioner has been residing at her parents' house in Piler. The respondent filed H.M.O.P.No.36 of 2016 on the file of the Court of the Senior Civil Judge, Rayachoti, under Section 13(1)(i) and (iii) of the Hindu Marriage Act, 1955, against the petitioner for dissolution of marriage between them.

4. The predominant contention of the learned counsel for the respondent is that the distance between Rayachoti and Piler is only 50 KM; therefore, the petitioner can attend the Court at Rayachoti without any difficulty.

5. A perusal of the record reveals that the respondent is facing trial in D.V.C.No.1 of 2015 on the file of the Additional Junior Civil Judge, Piler. The petitioner filed M.C.No.20 of 2015 on the file of the Additional Junior Civil Judge, Piler, against the respondent claiming maintenance. This itself indicates the financial status of the petitioner. Invariably, the respondent has to attend the Court of Additional Junior Civil Judge, Piler, in view of pendency of D.V.C.No.1 of 2015 and M.C.No.20 of 2015.

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. As per the principle enunciated in **T.Gayatri Devi v. Dr. Tallepaneni Sreekanth**¹, **Rachna Kanodia v. Anuk Kanodia**² and **Sumita Singh v. Kumar Sanjay and another**³, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

7. 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.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.36 of 2016 is withdrawn from the file of the Court of the Senior Civil Judge, Rayachoti, Kadapa District, and transferred to the file of the Court of the Senior Civil Judge, Piler,

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396

Chittoor District, for disposal in accordance with law. There shall be no order as to costs.

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

T.SUNIL CHOWDARY, J

Date: 17.04.2017
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