

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.752 of 2016

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw H.M.O.P.No.41 of 2016 from the file of the Court of Senior Civil Judge, Rajampet, and transfer the same to the Court of Senior Civil Judge, Madanapalle.

2. Heard the learned counsel appearing for both parties and perused the record.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 05.05.2005 at Bangalore, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner and respondent lived together happily for some time in Bangalore and Chennai. For one reason or the other, disputes arose between the petitioner and the respondent, therefore, the petitioner has been residing at her parents house in Madanapalle. While things stood thus, the respondent filed H.M.O.P.No.41 of 2016 on the file of the Court of Senior Civil Judge, Rajampet, against the petitioner under Section 9 of the Hindu Marriage Act. It is the case of the petitioner that she is not in a position to travel from Madanapalle to Rajampet, in order to prosecute H.M.O.P.No.41 of 2016. 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, the wife.

4. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**¹, **Rachna Kanodia v. Anuk Kanodia**², and **Sumita Singh v. Kumar Sanjay**³, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife and children.

5. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, this Court is of the considered view that the petitioner deserves the relief sought for.

6. Learned counsel for the respondent submitted that the presence of the respondent may be dispensed with before the Court of Senior Civil Judge, Madanapalle, on each and every date of adjournment. Even if the presence of the respondent is dispensed with, no prejudice would be caused to the petitioner.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.41 of 2016 is withdrawn from the file of the court of Senior Civil Judge, Rajampet, and transferred to the file of Senior Civil Judge Court, Madanapalle, Chittoor District, for disposal in accordance with law.

8. The presence of the respondent before the Court of Senior Civil Judge, Madanapalle, in connection with H.M.O.P.No.41 of

¹ AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

² 2001(7) Supreme 96

³ AIR 2002 SC 396

2016 is dispensed with on each and every date of adjournment. However, the respondent shall appear before the Court of Senior Civil Judge, Madanapalle, as and when his presence is so required.

9. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

Dt:28.09.2018

Rns

