

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**Tr.C.M.P.No.733 of 2016**

**ORDER:**

This petition is filed under Section 24 of C.P.C. seeking to withdraw F.C.O.P.No.1081 of 2016 from the file of the Additional Family Court, Visakhapatnam, and transfer the same to the file of the Court of the Senior Civil Judge, Amalapuram.

2. Heard the learned counsel for both parties.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 13.10.2011 at Visakhapatnam, as per Hindu Rites and Caste Customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and respondent were blessed with one daughter. Due to one reason or the other, disputes arose between the petitioner and the respondent; therefore, the petitioner has been residing at her parents' house in Amalapuram. While things stood thus, the respondent filed F.C.O.P.No.1081 of 2016, under Section 13(1) of Hindu Marriage Act, on the file of the Additional Family Court, Visakhapatnam, against the petitioner for dissolution of marriage between them. The petitioner filed M.C.No.44 of 2015, under Section 125 Cr.P.C., on the file of the Court of the I Additional Judicial First Class Magistrate, Amalapuram, against the respondent seeking maintenance. A perusal of the record reveals that a criminal case is also pending against the respondent at Amalapuram.

4. It is the case of the petitioner that she is facing much difficulty to travel from Amalapuram to Visakhapatnam along with

her daughter in order to prosecute F.C.O.P.No.1081 of 2016. Invariably, the respondent has to attend the Court of the I Additional Judicial First Class Magistrate, Amalapuram, in view of pendency of M.C.No.44 of 2015 and the criminal case.

5. 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**<sup>1</sup>, **Rachna Kanodia v. Anuk Kanodia**<sup>2</sup> and **Sumita Singh v. Kumar Sanjay and another**<sup>3</sup>, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife.

6. 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 granted.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.1081 of 2016 is withdrawn from the file of the Additional Family Court, Visakhapatnam, and transferred to the file of the Court of the Senior Civil Judge, Amalapuram, for disposal in accordance with law. There shall be no order as to costs.

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

**T.SUNIL CHOWDARY, J**

Date: 26.09.2018  
Ivd

<sup>1</sup> 2013 (6) ALT 42 (SC)

<sup>2</sup> 2001 (7) Supreme 96

<sup>3</sup> AIR 2002 SC 396