

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.259 of 2017

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.39 of 2017 from the file of the Family Court, Vijayawada, and transfer the same to Family Court, at Kurnool.

2. In spite of service of notice, the respondent did not choose to appear and oppose the petition. Hence, this Court is inclined to pass orders on merits. Heard the learned counsel appearing for the petitioner and perused the record.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 18.04.2008 at Tirumala Tirupathi Devasthanams, Tirumala, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. 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 Billapuram village, Nandyal Mandal, Kurnool District. While things stood thus, the respondent filed O.P.No.39 of 2017 on the file of the Family Court, Vijayawada, under Section 13(1)(ia) of Hindu Marriage Act against the petitioner for dissolution of marriage. It is the case of the petitioner that she is facing much difficulty to travel from Nandyal to Vijayawada, in order to prosecute O.P.No.39 of 2017 in view of her nature of employment. 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 it is a fit case to allow the petition.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.39 of 2017 is withdrawn from the file of the Family Court, Vijayawada, and transferred to the file of Family Court, at Kurnool, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

Dt:27.09.2018

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

² 2001(7) Supreme 96

³ AIR 2002 SC 396