

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.110 of 2018

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw O.P.No.98 of 2017 from the file of the Court of the Senior Civil Judge at Eluru and transfer the same to the file of the Additional Family Court at Visakhapatnam, to try along with O.P.No.1193 of 2017 and O.P.No.1195 of 2017.

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.

3. Heard the learned counsel for the petitioner.

4. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 26.02.2015 at Visakhapatnam, as per Hindu Rites and Caste Customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. For one reason or other, bad weather prevailed in the family life of the petitioner and respondent; therefore, the petitioner has been residing at her parents' house in Visakhapatnam. The petitioner filed O.P.No.1195 of 2017, under Section 9 of the Hindu Marriage Act, on the file of the Additional Family Court at Visakhapatnam, against the respondent. The petitioner filed O.P.No.1193 of 2017 on the file of the Additional Family Court at Visakhapatnam against the respondent seeking maintenance. The petitioner also filed D.V.C.No.16 of 2017 on the file of the Court of the II Additional Chief Metropolitan Magistrate at Visakhapatnam. While

things stood thus, the respondent filed O.P.No.98 of 2017 on the file of the Court of the Senior Civil Judge at Eluru against the petitioner under Section 13(1)(ia) of the Hindu Marriage Act for dissolution of marriage between them.

5. It is the case of the petitioner that she is facing much difficulty to travel from Visakhapatnam to Eluru without the assistance of one of the male members of the family. Invariably, the respondent has to attend the Additional Family Court at Visakhapatnam, in view of pendency of O.P.No.1195 of 2017, O.P.No.1193 of 2017 and D.V.C.No.16 of 2017.

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. O.P.No.98 of 2017 is withdrawn from the file of the Court of the Senior Civil Judge at Eluru and transferred to the file of the

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396

Additional Family Court at Visakhapatnam, 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: 10.09.2018

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