

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.134 of 2018

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw H.M.O.P.No.41 of 2017 from the file of the Court of II Additional Senior Civil Judge, Srikakulam, and transfer the same to the file of the Family Court, Visakhapatnam.

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 19.05.2002 at Narsannapeta Town, 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 a daughter. Due to family disputes, the petitioner has been residing at her parents' house in Visakhapatnam. The respondent filed H.M.O.P.No.41 of 2017, under Section 13(1)(ia) of the Hindu Marriage Act, on the file of the Court of II Additional Senior Civil Judge, Srikakulam, against the petitioner for dissolution of the marriage.

4. It is the case of the petitioner that she is unable to attend the Court of II Additional Senior Civil Judge at Srikakulam due to financial and other problems.

5. A perusal of the record reveals that the petitioner is having a daughter. The petitioner has to look after the welfare of her daughter, who is aged about 15 years. Learned counsel for the petitioner submitted that the respondent has been working in Railways at Visakhapatnam. As per the cause title in O.P., the respondent is residing in Visakhapatnam. A perusal of the record

reveals that both parties are residing in Visakhapatnam. If the matter is not transferred, both parties have to travel from Visakhapatnam to Srikakulam.

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.41 of 2017 is withdrawn from the file of the Court of II Additional Senior Civil Judge, Srikakulam, and transferred to the file of the Family Court, 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: 06.08.2018
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¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396