

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TR.CMP.No.199 OF 2018

ORDER:

1 This petition is filed under Section 24 of C.P.C seeking to withdraw M.O.P.No.85 of 2017 pending on the file of the Court of the Senior Civil Judge, Adoni, Kurnool district and transfer the same to the Court of the Senior Civil Judge, Gadwal.

2 In spite of service of notice, the respondent did not choose to appear and contest this petition. Hence this Court is inclined to pass orders on merits.

3 A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 01.11.2012 as per Hindu rites and caste custom. Immediately after the marriage the petitioner joined the respondent to lead marital life. Out of their lawful wedlock, the petitioner and the respondent were blessed with a daughter. For one reason or the other, disputes arose between the petitioner and the respondent. Therefore, the petitioner has been residing at her parents' house at Gadwal.

4 The petitioner filed DVC No.19 of 2017 on the file of the Court of the Additional Judicial Magistrate of I Class, Gadwal against the respondent and others. Basing on the complaint lodged by the petitioner the Station House Officer, Ieeja Police Station registered a case in Cr.No.144 of 2017 against the respondent and others for the offences punishable under Sections 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act.

5 While things stood thus, the respondent filed M.O.P.No.85 of 2017 on the file of the Court of the Senior Civil Judge, Adoni, under

Section 13 (1) (i) of the Hindu Marriage Act against the petitioner for dissolution of marriage.

6 It is the case of the petitioner that she is not in a position to attend the Court at Adoni, in order to prosecute the M.O.P, along with her daughter. While deciding the petition 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. Invariably, the respondent has to attend the Court at Gadwal in view of pendency of the DVC case and criminal case.

7 As per the principle enunciated in ***Sumita Singh Vs. Kumar Sanjay***¹, ***Rachna Kanodia Vs. Anuk Kanodia***², and ***V. Sailaja Vs. V. Koteswara Rao***³, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife. 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 petitioner deserves the relief as sought for.

8 In the result, the petition is allowed, M.O.P.No.85 of 2017 pending on the file of the Court of the Senior Civil Judge, Adoni, Kurnool district is withdrawn from the file of the said court and is transferred to the Senior Civil Judge Court, Gadwal for disposal in accordance with law. As a sequel, miscellaneous petitions, if any pending in this petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: September 28, 2018
Kvsn

¹ AIR 2002 SC 396

² 2001 (7) Supreme 96

³ AIR 2003 AP 178