

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.202 of 2018

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.26 of 2018 from the file of the Court of Senior Civil Judge, Proddatur, and transfer the same to Family Court, Ananthapur.

2. Heard the learned counsel for the petitioner. In spite of service of notice, the respondent did not choose to appear and oppose the petition.

3. A perusal of the record reveals that the marriage of the petitioner was solemnized with the respondent on 19.09.2007 at Arya Samaj, Sulthan Bazaar, Hyderabad. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner and the respondent lived together in Nandyal and Hyderabad. At present both are employees and working in two different places. While things stood thus, the respondent filed O.P.No.26 of 2018 on the file of the Court of Senior Civil Judge, Praddatur, against the petitioner under Section 13(1)(ia) of the Hindu Marriage Act, for dissolution of marriage between the petitioner and the respondent. At present, the petitioner is residing at Ananthapur. Learned counsel for the petitioner submitted that the petitioner is suffering with some ailments.

4. 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.

5. 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.

6. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am inclined to allow the petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.26 of 2018 is withdrawn from the file of Senior Civil Judge, Proddatur, and transferred to the file of Family Court, Ananthapur, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

Dt:23.08.2018
Rns

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

² 2001(7) Supreme 96

³ AIR 2002 SC 396