

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CMP No.229 of 2018

ORDER:

1 This petition is filed under Section 24 of CPC seeking to withdraw O.P.No.242 of 2018 pending on the file of the Judge, Family Court, Visakhapatnam and transfer the same to the court of the Senior Civil Judge, Kakinada of East Godavari District.

2 Heard the learned counsel for both sides and perused the material available on record.

3 The marriage of the petitioner was performed with the respondent on 23.02.2007 at Dara Gangamma temple, S.Kota Vizianagaram district as per Hindu rites and caste custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. For obvious reasons, disputes arose between the petitioner and the respondent. The petitioner filed M.C.No.16 of 2018 on the file of the Court of the Special Judicial Mobile Magistrate, Kakinada, seeking maintenance from the respondent. The respondent filed O.P.No.242 of 2018 under Section 13 (1) (i) (ia) and (ib) of Hindu Marriage Act on the file of the Judge, Family Court, Visakhapatnam for dissolution of the marriage. As per the averments made in the O.P, the respondent is residing at Nagpur in view of his employment. But the respondent is not residing in Visakhapatnam. The respondent has to appear before the Court of Special Judicial Mobile Magistrate, Kakinada in view of pendency of the M.C.No.16 of 2018. In that view of the matter, the petitioner may face some difficulty to attend the Family Court at Visakhapatnam in order to prosecute the O.P.No.242 of 2018.

4 While deciding the petitions of this nature, the Court has to take into consideration the inconvenience likely to be caused to the wife. 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.

5 In the result, the petition is allowed, O.P.No.242 of 2018 pending on the file of the Court of the Judge, Family Court, Visakhapatnam is withdrawn from the file of that Court and transferred to the I Additional Senior Civil Judge, Kakinada of East Godavari District for trial and disposal in accordance with law. Consequently, miscellaneous petitions, if any, pending in this Tr.CMP shall stand closed.

T. SUNIL CHOWDARY, J

Date: 11.06.2018
Kvsn

¹ AIR 2002 SC 396

² 2001 (7) Supreme 96

³ AIR 2003 AP 178