

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.256 of 2018

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw O.P.No.2 of 2018 from the file of the Court of the Principal Senior Civil Judge, Kothagudem, and transfer the same to the file of the Court of the Senior Civil Judge, Kovvur, West Godavari District.

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 08.10.2009 at Krishnampalem Village, Devarapalli Mandal of West Godavari District, 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 one son on 09.01.2012. Due to one reason or the other, disputes arose between the petitioner and the respondent; therefore, the petitioner has been residing at her parents' house in Krishnampalem Village, Devarapalli Mandal of West Godavari District. While things stood thus, the respondent filed O.P.No.2 of 2018, under Section 13(1)(ia)(ib) of Hindu Marriage Act, on the file of the Court of the Principal Senior Civil Judge, Kothagudem, against the petitioner for dissolution of marriage between them. The petitioner filed O.P.No.35 of 2018, under Section 9 of Hindu Marriage Act, on the file of the Court of the Senior Civil Judge, Kovvur, against the respondent for restitution of conjugal rights. The respondent is an accused in C.C.No.173 of 2018 on the file of

the Court of the II Additional Judicial First Class Magistrate, Kovvur, for the offence punishable under Section 498-A I.P.C.

4. It is the case of the petitioner that she is facing much difficulty to attend the Court of the Principal Senior Civil Judge, Kothagudem, along with her son in order to prosecute O.P.No.2 of 2018. Invariably, the respondent has to attend the Courts of the II Additional Judicial First Class Magistrate, Kovvur and Senior Civil Judge, Kovvur, in view of pendency of civil and criminal cases between the parties.

5. 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.

6. 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 granted.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.2 of 2018 is withdrawn from the file of the Court of the Principal Senior Civil Judge, Kothagudem, and transferred to the file of the Court of the Senior Civil Judge, Kovvur, West

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396

Godavari District, for disposal in accordance with law. There shall be no order as to costs.

8. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 27.09.2018

Ivd

