

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**Tr.C.M.P. No.392 of 2016**

**ORDER:**

This petition is filed under Section 24 of C.P.C. seeking to withdraw O.P.No.73 of 2016 from the file of the Court of the Senior Civil Judge, Tanuku, and transfer the same to the file of the Court of the Senior Civil Judge, Kakinada.

2. In spite of listing the matter, no representation on behalf of the respondent on 22.06.2018, 26.06.2018 and today also. Hence, this Court is inclined to pass orders on merits.

3. Heard the learned counsel for the petitioner.

4. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 25.02.2015 at Annavaram Temple, East Godavari District, as per Hindu Rites and Caste Custom. 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 daughter. For one reason or other, bad weather prevailed in the family life of the petitioner and respondent. Therefore, the petitioner has been residing at her parents' house in Kakinada along with her daughter. A perusal of the record also reveals that the petitioner filed M.C.No.25 of 2016, under Section 125 Cr.P.C., on the file of the Court of III Additional Judicial First Class Magistrate, Kakinada, against the respondent seeking maintenance from him.

5. As rightly pointed out by the learned counsel for the petitioner, the petitioner may face much difficulty to travel from Kakinada to Tanuku along with her daughter. Invariably, the

respondent has to attend the Court of III Additional Judicial First Class Magistrate, Kakinada, in order to prosecute M.C.No.25 of 2016.

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<sup>1</sup>, Rachna Kanodia v. Anuk Kanodia<sup>2</sup>** and **Sumita Singh v. Kumar Sanjay and another<sup>3</sup>**, 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. O.P.No.73 of 2016 is withdrawn from the file of the Court of the Senior Civil Judge, Tanuku, and transferred to the file of the Court of the Senior Civil Judge, Kakinada, 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: 02.07.2018  
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<sup>1</sup> 2013 (6) ALT 42 (SC)

<sup>2</sup> 2001 (7) Supreme 96

<sup>3</sup> AIR 2002 SC 396