

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.304 of 2018

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw H.M.O.P.No.110 of 2017 from the file of the Court of the Senior Civil Judge, Eluru, and transfer the same to any other competent Court at Rajamahendravaram.

2. In spite of service of notice, the respondent did not choose to appear and oppose the petition. 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 25.04.2012 at Sri Devi Kalyana Mandapam, Rajahmundry, as per Hindu Rites and Caste Customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner and respondent lived together at different places. Out of lawful wedlock, the petitioner and respondent were blessed with a daughter. For one reason or other, disputes arose between the petitioner and respondent; therefore, the petitioner has been residing at her parents' house in Rajamahendravaram along with her daughter. The respondent filed H.M.O.P.No.110 of 2017, under Section 13(1)(ia) of the Hindu Marriage Act, on the file of the Court of the Senior Civil Judge, Eluru, against the petitioner for dissolution of the marriage. A perusal of the record also reveals that the petitioner filed M.C.No.273 of 2017 on the file of the

Family Court, Rajamahendravaram, against the respondent seeking maintenance.

5. It is the case of the petitioner that she is facing much difficulty to travel from Rajamahendravaram to Eluru along with her daughter. Invariably, the respondent has to attend the Family Court, Rajamahendravaram, in order to prosecute M.C.No.273 of 2017.

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 Sreekanth¹, Rachna Kanodia v. Anuk Kanodia²** and **Sumita Singh v. Kumar Sanjay and another³**, 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. H.M.O.P.No.110 of 2017 is withdrawn from the file of the Court of the Senior Civil Judge, Eluru, and transferred to the file of the Family Court, Rajamahendravaram, for disposal in accordance with law. There shall be no order as to costs.

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396

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

T.SUNIL CHOWDARY, J

Date: 02.08.2018
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