

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TR.CMP.No.10 OF 2017

ORDER:

1 This petition is filed under Section 24 of C.P.C seeking to withdraw O.P.No.248 of 2016 pending on the file of the Judge, Family Court, Vijayawada and transfer the same to the Family Court, Nellore.

2 Heard learned counsel for both parties.

3 A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 30.05.2009 at Vijayawada as per Hindu rites and caste custom. Immediately after the marriage the petitioner joined the respondent to lead marital life. Out of their lawful wedlock, the petitioner and the respondent were blessed with a boy. Due to various reasons, disputes arose between the petitioner and the respondent. The petitioner has been residing at her parents' house in Nellore. The respondent filed O.P.No.248 of 2016 on the file of the on the file of the Judge, Family Court, Vijayawada under Section 13 (1) (ia) (ib) of Hindu Marriage Act for dissolution of the marriage between him and the petitioner.

4 It is the case of the petitioner that she has to face much difficulty to attend the Family Court at Vijayawada in order to prosecute the O.P. A perusal of the record reveals that one DVA and one Criminal Revision Petition are pending against the respondent on the file of the court of the Additional District Court at Nellore.

5 While deciding the petition of this nature, the Court has to consider the convenience of the parties to the proceedings, more particularly, the wife. Invariably, the respondent has to attend the Additional District Court at Nellore in view of the pendency of the DVA and Criminal Revision Case.

6 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. The learned counsel for the respondent submitted that the presence of the respondent may be dispensed with before the Family Court, Nellore on each and every adjournment.

7 In the result, the petition is allowed, O.P.No.248 of 2016 pending on the file of the Judge, Family Court, Vijayawada is withdrawn from the file of the said court and is transferred to the Family Court, Nellore for disposal in accordance with law. The presence of the respondent before the Family Court, Nellore is hereby dispensed with on each and every date of adjournment. However, the respondent shall appear before the Family Court, Nellore as and when his presence is required. The learned Judge, Family Court, Nellore is hereby directed to dispose of the O.P. as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order.

8 As a sequel, miscellaneous petitions, if any pending in this petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: July 24, 2018
Kvsn

¹ AIR 2002 SC 396

² 2001 (7) Supreme 96

³ AIR 2003 AP 178