

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

**TRANSFER C.M.P.No.153 of 2013**

**ORDER:**

This petition is filed under Section 24 C.P.C., to withdraw H.M.O.P.No.171 of 2011 from the file of the Court of Principal Senior Civil Judge, Kakinada, and transfer the same to the Court of Principal Senior Civil Judge, Anakapalle, Visakhapatnam District.

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. Heard the learned counsel appearing for the petitioner and perused the record.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 20.03.1998 at Sri Kanyakaparameswari Kalyanamandapam, at Anakapalle, 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 three children. Due to family disputes, the petitioner has been residing at her parents house in Anakapalli of Visakhapatnam District. While things stood thus, the respondent filed H.M.O.P.No.171 of 2011 on the file of the Court of Principal Senior Civil Judge, Kakinada, under Section 13(1)(i)(ia) of Hindu Marriage Act against the petitioner for dissolution of marriage. The petitioner filed H.M.O.P.No.213 of 2012 on file of the Principal Senior Civil Judge, at Anakapalle,

against the respondent under Section 9 of Hindu Marriage Act. It is the case of the petitioner that she is facing much difficulty to attend the Court of Senior Civil Judge, at Kakinada, in order to prosecute H.M.O.P.No.171 of 2011. Invariably, the respondent has to attend the Court of Principal Senior Civil Judge Court, at Anakapalle, in view of pendency of H.M.O.P.No.213 of 2012. 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, the wife.

4. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**<sup>1</sup>, **Rachna Kanodia v. Anuk Kanodia**<sup>2</sup>, and **Sumita Singh v. Kumar Sanjay**<sup>3</sup>, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife and children.

5. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, this Court is of the considered view that it is a fit case to allow the petition.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.171 of 2011 is withdrawn from the file of the Court of Principal Senior Civil Judge, Kakinada, and transferred to the file of Principal Senior Civil Judge Court, at Anakapalle, Visakhapatnam District, for disposal in accordance

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<sup>1</sup> AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

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

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

with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

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**T.SUNIL CHOWDARY, J**

**Dt:20.09.2018**  
Rns

