

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.561 of 2017

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw H.M.O.P.No.25 of 2017 from the file of the Court of II Additional Senior Civil Judge at Ongole, Prakasam District, and transfer the same to Additional Senior Civil Judge Court, Bapatla, Guntur District, for disposal in accordance with law.

2. Heard both counsels and perused the material available on record.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 25.04.2012 at Ethamukkala village, Kothapatnam Mandal, Prakasam 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 a son on 18.04.2013. For one reason or other, bad weather prevailed in the family life of the petitioner and respondent. The petitioner has been residing at her parents house in Bapatla. The petitioner filed M.C.No.14 of 2017 against the respondent under Section 125 Cr.P.C. seeking maintenance and the same is pending on the file of the Court of Additional Judicial Magistrate of First Class, Bapatla.

4. A perusal of the record reveals that the petitioner is looking after her child. It may not be possible for the

petitioner to go to Ongole along with her minor son without the assistance of one of the male members of the family. Invariably the respondent has to attend before the Magistrate Court, Bapatla, in view of pendency of M.C.No.14 of 2017. Even if the petition is allowed, the same may not cause any prejudice to the respondent. 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 and the children.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**¹, **Rachna Kanodia v. Anuk Kanodia**², and **Sumita Singh v. Kumar Sanjay**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 it is a fit case to allow the petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.25 of 2017 is withdrawn from the file of the II Additional Senior Civil Judge Court, Ongole, Prakasam District, and transferred to the file of the Senior Civil Judge Court, Bapatla, for disposal in accordance with law. As a

¹ AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

² 2001(7) Supreme 96

³ AIR 2002 SC 396

sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

18th June 2018
Rns

