

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.578 of 2017

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw D.O.P.No.61 of 2017 from the file of the Court of the Senior Civil Judge, Proddatur, and transfer the same to the file of the Court of the Senior Civil Judge, Markapur, Prakasam 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.

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 10.05.2015 at Markapur, as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. The petitioner has been residing at her parents' house in Markapur Town due to disputes between them. A perusal of the record also reveals that M.C.No.27 of 2016 and D.V.C.No.3 of 2017 are pending on the file of the Additional Judicial First Class Magistrate, Markapur.

5. The contention of the learned counsel for the petitioner is that the petitioner is facing much difficulty to attend the Court of Senior Civil Judge, Proddatur.

6. It is a matter of common knowledge that the petitioner has to take assistance of one of the family members in order to attend the Court of Senior Civil Judge, Proddatur. Invariably, the respondent has to attend the Court of Additional Judicial First Class

Magistrate, Markapur, in view of pendency of M.C.No.27 of 2016 and D.V.C.No.3 of 2017.

7. 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.

8. 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.

9. In the result, the Transfer Civil Miscellaneous Petition is allowed. D.O.P.No.61 of 2017 is withdrawn from the file of the Court of the Senior Civil Judge, Proddatur, and transferred to the file of the Court of the Senior Civil Judge, Markapur, Prakasam District, for disposal in accordance with law. There shall be no order as to costs.

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

T.SUNIL CHOWDARY, J

Date: 20.07.2018
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¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396