

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.457 of 2018

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw H.M.O.P.No.70 of 2018 from the file of the Court of the Senior Civil Judge, Gudur, S.P.S.R. Nellore District, and transfer the same to the file of the Court of the Senior Civil Judge, Piler, Chittoor District.

2. Notice sent to the respondent returned with an endorsement 'respondent refused to take notice'. Service of notice on respondent is sufficient. 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 15.03.2017 at Tirupati, as per Hindu Rites and Caste Customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Due to one reason or other, disputes arose between the petitioner and respondent; therefore, the petitioner has been residing at her parents' house in Chittoor District. While things stood thus, the respondent filed H.M.O.P.No.70 of 2018, under Section 13(1)(ia)(ib) of Hindu Marriage Act, on the file of the Court of the Senior Civil Judge, Gudur, against the petitioner for dissolution of marriage between them. The petitioner filed M.C.No.8 of 2018 on the file of the Court of the Judicial First Class Magistrate, Piler, against the respondent seeking maintenance. The petitioner also filed H.M.O.P.No.87 of 2018, under Section 9 of

Hindu Marriage Act, on the file of the Court of the Senior Civil Judge, Piler, against the respondent.

5. It is the case of the petitioner that she is facing much difficulty to travel from Chittoor District to Gudur in order to prosecute H.M.O.P.No.70 of 2018. Invariably, the respondent has to attend the Courts of Judicial First Class Magistrate, Piler and Senior Civil Judge, Piler, in view of pendency of M.C.No.8 of 2018 and H.M.O.P.No.87 of 2018.

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 Sreekanth**¹, **Rachna Kanodia v. Anuk Kanodia**² and **Sumita Singh v. Kumar Sanjay and another**³, 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 granted.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.70 of 2018 is withdrawn from the file of the Court of the Senior Civil Judge, Gudur, S.P.S.R. Nellore District, and transferred to the file of the Court of the Senior Civil Judge,

¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396

Piler, Chittoor District, for disposal in accordance with law. There shall be no order as to costs.

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

T.SUNIL CHOWDARY, J

Date: 11.12.2018

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