

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.463 of 2018

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.680 of 2018 from the file of the Family Court, Vijayawada, and transfer the same to Family Court, at Vizianagaram.

2. Heard the learned counsel appearing for both the parties.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 07.10.2011 at Tunivalasa village of Vizianagaram District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of their lawful wedlock, the petitioner and respondent were blessed with two sons. For one reason or the other, disputes arose between the petitioner and the respondent, therefore, the petitioner has been residing at her parents house in Vizianagaram. While things stood thus, the respondent filed F.C.O.P.No.680 of 2018 on the file of the Family Court, Vijayawada, under Section 13(1)(ia)(ib) of Hindu Marriage Act against the petitioner for dissolution of marriage. It is the case of the petitioner that she is facing much difficulty to travel from Vizianagaram to Vijayawada, in order to prosecute F.C.O.P.No.680 of 2018. As rightly pointed out by the learned counsel for the petitioner, the petitioner may face some difficulty to travel from Vizianagaram to Vijayawada, along with her younger son. 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**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 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 the petitioner deserves the relief sought for.

6. Learned counsel for the respondent submitted that the presence of the respondent may be dispensed with before the Family Court, Vizianagaram on each and every date of adjournment. Even if the presence of the respondent is dispensed with, no prejudice would be caused to the petitioner.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.680 of 2018 is withdrawn from the file of the Family Court, Vijayawada, and transferred to the file of Family Court, at Vizianagaram, for disposal in accordance with law.

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

² 2001(7) Supreme 96

³ AIR 2002 SC 396

8. The presence of the respondent before the Family Court, Vizianagaram, in connection with F.C.O.P.No.680 of 2018 is dispensed with on each and every date of adjournment. However, the respondent shall appear before the Family Court, Vizianagaram, as and when his presence is so required.

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

T.SUNIL CHOWDARY, J

Dt:26.09.2018
Rns

