

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.420 of 2016

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw O.P.No.185 of 2015 from the file of the Family Court, Vijayawada, and transfer the same to the file of the Family Court, Khammam.

2. Heard the learned counsel for both parties.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 20.02.2014 at Police Kalyanamandapam, Khammam, as per Hindu Rites and Caste Customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. For one reason or other, disputes arose between the petitioner and respondent; therefore, the petitioner has been residing at her parents' house in Khammam. The respondent is facing trial in C.C.No.909 of 2014 on the file of the Court of the I Additional Judicial First Class Magistrate, Khammam. The petitioner also filed D.V.C.No.11 of 2014 on the file of the Court of the II Additional Judicial First Class Magistrate, Khammam, against the respondent seeking various reliefs. While things stood thus, the respondent filed O.P.No.185 of 2015, under Section 13(1)(ia) of Hindu Marriage Act, on the file of the Family Court, Vijayawada, against the petitioner for dissolution of marriage between them.

4. It is the case of the petitioner that she is facing much difficulty to travel from Khammam to Vijayawada in order to prosecute O.P.No.185 of 2015. Invariably, the respondent has to attend the Courts of I Additional Judicial First Class Magistrate,

Khammam and II Additional Judicial First Class Magistrate, Khammam, in view of pendency of C.C.No.909 of 2014 and D.V.C.No.11 of 2014.

5. 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.

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 the relief sought by the petitioner deserves to be granted.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.185 of 2015 is withdrawn from the file of the Family Court, Vijayawada, and transferred to the file of the Family Court, Khammam, for disposal in accordance with law. The learned Family Court Judge, Khammam, is hereby directed to dispose of O.P.No.185 of 2015 as expeditiously as possible. There shall be no order as to costs.

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

T.SUNIL CHOWDARY, J

Date: 08.10.2018
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¹ 2013 (6) ALT 42 (SC)

² 2001 (7) Supreme 96

³ AIR 2002 SC 396