

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TR.CMP.No.501 OF 2017

ORDER:

1 This petition is filed under Section 24 of C.P.C seeking to withdraw H.M.O.P.No.81 of 2017 pending on the file of the Court of the Principal Senior Civil Judge, Narasaraopet and transfer the same to the Court of the Principal Senior Civil Judge, Machilipatnam.

2 In spite of service of notice, the respondent did not choose to appear and contest the petition. Heard learned counsel for the petitioner.

3 A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 11.12.2008 at Gopalapuram of Yadalapadu Mandal of Guntur District as per Hindu rites and caste custom. Immediately after the marriage the petitioner joined the respondent to lead marital life. Out of their lawful wedlock, the petitioner and the respondent were blessed with two sons. Due to various reasons, disputes arose between the petitioner and the respondent. The petitioner has been residing at her parents' house in Chinnapuram, Bandar Mandal, Krishna District. The respondent filed H.M.O.P.No.81 of 2017 on the file of the Court of the Principal Senior Civil Judge, Narasaraopet under Section 13 (ia) (ib) of Hindu Marriage Act for dissolution of the marriage between him and the petitioner.

4 It is the case of the petitioner that she is not in a position to go to Narasaraopeta along with her children to prosecute the O.P.

5 While deciding the petition of this nature, the Court has to consider the convenience of the parties to the proceedings, more particularly, the wife.

6 As per the principle enunciated in ***Sumita Singh Vs. Kumar Sanjay***¹, ***Rachna Kanodia Vs. Anuk Kanodia***², and ***V. Sailaja Vs. V. Koteswara Rao***³, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife. 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 petitioner deserves the relief as sought for.

7 In the result, the petition is allowed, H.M.O.P.No.81 of 2017 pending on the file of the Court of the Principal Senior Civil Judge, Narasaraopet is withdrawn from the file of the said court and is transferred to the Court of the Principal Senior Civil Judge, Machilipatnam for disposal in accordance with law.

8 As a sequel, miscellaneous petitions, if any pending in this petition shall stand closed.

Date: July 24, 2018
Kvsn

T.SUNIL CHOWDARY, J

¹ AIR 2002 SC 396

² 2001 (7) Supreme 96

³ AIR 2003 AP 178