

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY**TRANSFER C.M.P.No.784 of 2016****ORDER:**

This petition is filed under Section 24 C.P.C., to withdraw F.C.O.P.No.1341 of 2016 from the file of the Judge, Family Court, Visakhapatnam, and transfer the same to any Court in Bhimavaram.

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. Heard the learned counsel appearing for the petitioner and perused the record.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 12.06.2015 at Annavaram Temple, 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 the respondent; therefore, the petitioner has been residing at her parents' house in Bhimavaram. While things stood thus, the respondent filed F.C.O.P.No.1341 of 2016 on the file of the Family Court-cum-V Additional District Judge, Visakhapatnam, against the petitioner under Section 9 of the Hindu Marriage Act. A perusal of the record reveals that basing on the complaint lodged by the petitioner, the Station House Officer, Bhimavaram, registered a case in Crime No.202 of 2016 under Sections 498-A and 420 IPC and 3 and 4 of Dowry Prohibition Act against the respondent.

4. 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. Invariably, the respondent has to appear before the Court of Judicial Magistrate of First Class, Bhimavaram, in view of pendency of criminal case.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao¹, Rachna Kanodia v. Anuk Kanodia²**, and **Sumita Singh v. Kumar Sanjay³**, the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife and children.

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 it is a fit case to allow the petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.1341 of 2016 is withdrawn from the file of Family Court, Visakhapatnam, and transferred to the file of Senior Civil Judge Court, Bhimavaram, West Godavari District, for disposal in accordance with law. As a sequel, miscellaneous petitions, pending if any shall stand closed.

T.SUNIL CHOWDARY, J

Dt:20.09.2018

Rns

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

² 2001(7) Supreme 96

³ AIR 2002 SC 396