THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TR.CMP.No.619 OF 2018

ORDER:

1 This petition is filed under Section 24 of C.P.C seeking to withdraw O.P.No.1833 of 2017 pending on the file of the Family Court, Visakhapatnam and transfer the same to the Family Court, Eluru, West Godavari District.

2 In spite of service of notice, the respondent did not choose to appear and contest the petition. Hence this Court is inclined to pass orders on merits. Heard the learned counsel 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 06.06.2010 at Visakhapatnam as per Hindu rites and caste custom. Immediately after the marriage the petitioner joined the respondent to lead marital life. Out of the lawful wedlock, the petitioner and the respondent were blessed with one son. For one reason or the other, disputes arose between the petitioner and the respondent, therefore, the petitioner has been residing at her parents' house at Eluru.

4 While things stood thus, the respondent filed O.P.No.1833 of 2017 against the petitioner on the file of the Family Court, Visakhapatnam under Section 9 of the Hindu Marriage Act for restitution of conjugal rights.

5 It is the case of the petitioner that she is facing much difficulty to travel from Eluru to Visakhapatnam along with her son in order to prosecute the O.P. While deciding the petition of this nature, the

Court has to take into consideration the inconvenience 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7 In the result, the petition is allowed, O.P.No.1833 of 2017 pending on the file of the Family Court, Visakhapatnam is withdrawn from the file of the said court and is transferred to the Family Court, Eluru, West Godavari district for disposal in accordance with law. As a sequel, miscellaneous petitions, if any pending in this petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: December 14, 2018
Kvsn

[1] AIR 2002 SC 396
[2] 2001 (7) Supreme 96
[3] AIR 2003 AP 178