

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.800 of 2017

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw H.M.O.P.No.43 of 2017 from the file of the Senior Civil Judge Court, Bobbili, and transfer the same to Senior Civil Judge Court, Kovvur, West Godavari District.

2. Heard the learned counsel appearing for both the parties and perused the material on record.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 18.10.2013 as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and 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 in Samisragudem village, Nidadavole Mandal, West Godavari District, along with her son. While things stood thus, the respondent filed H.M.O.P.No.43 of 2017 on the file of Senior Civil Judge Court, Bobbili, against the petitioner under Section 13 of Hindu Marriage Act, for dissolution of marriage between them. It is the case of the petitioner that she is facing much difficulty to travel from her native village, West Godavari District to Bobbili of Vizianagaram District along with her son in order to prosecute H.M.O.P.No.43 of 2017. As rightly pointed out by the learned counsel for the petitioner, the petitioner may face some difficulty to travel from her native place to Bobbili.

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.

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, this Court is of the considered view that the petitioner deserves the relief sought for.

7. Learned counsel for the respondent submitted that the presence of the respondent may be dispensed with on each and every date of adjournment before the Senior Civil Judge Court, Kovvur, in connection with H.M.O.P.No.43 of 2017.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.43 of 2017 is withdrawn from the file of the Senior Civil Judge Court, Bobbili, and transferred to the file of Senior Civil Judge Court, Kovvur, for disposal in accordance with law. The presence of the respondent in connection with H.M.O.P.No.43 of 2017 before the Senior Civil Judge Court, Kovvur, is dispensed with on each and every date of adjournment. However, the respondent shall attend before the Senior Civil Judge Court, Kovvur, as and when his presence is so required.

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

² 2001(7) Supreme 96

³ AIR 2002 SC 396

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

T.SUNIL CHOWDARY, J

Dt:26.12.2018

Rns

