

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Tr.C.M.P.No.658 of 2016

ORDER :

This is a wife's application under Section 24 of the Code of Civil Procedure, 1908, requesting to withdraw G.O.P.No.905 of 2016 on the file of the Court of the learned Principal District Judge, Guntur, and transfer the same to the Court of the learned XI Additional District Judge, Tenali of Guntur District, for trial and disposal in accordance with the procedure established by law.

I have heard the submissions of the learned counsel for petitioner, Sri N.Srihari. The respondent/husband remained exparte.

I have perused the material record.

The case of the petitioner/wife, in brief, is as follows: "After estrangement between the spouses, she is staying with her parents at Solipeta of Tenali in Guntur District. She is having custody of a girl child aged 7 years. She has no financial capacity. She is not in a position to undertake travel. In the circumstances she is placed, she is constrained to file the present petition seeking transfer of the G.O.P. filed by the respondent from the Principal District Court, Guntur, to the XI Additional District Court, Tenali."

The husband has not entered appearance and is not resisting the application.

Though the distance between Tenali and Guntur, where the case filed by the respondent/husband is pending, is a short distance, the learned counsel

for petitioner would submit that the respondent is employed as a Clerk in a Bank and that M.C.No.11 of 2016 and D.V.C.No.13 of 2016 filed by the wife are pending on the file of the Court of the learned I-Additional Judicial Magistrate of First Class Magistrate, Tenali, and therefore, if all the cases are tried and disposed of by the Courts at one place, it will be convenient to both parties. He would also submit that as the respondent is financially sound and as he has no responsibilities and difficulties as those being faced by the wife, it is not difficult for him to travel from his place in Guntur and attend the Additional District Court, Tenali, in case his case is transferred as prayed for in the petition of the wife.

Respondent is not resisting the application by entering appearance.

It is well settled legal position that wife's convenience shall be preferred and shall prevail in the absence of any special circumstances warranting to take a different view. In view of the submissions of learned counsel for petitioner and in the absence of any special circumstances shown to the Court by the husband by entering appearance, this Court is satisfied that sufficient case is made out by the wife for granting relief as prayed for in her petition.

In the result, the Tr.C.M.P., is allowed and G.O.P. No.905 of 2016 is withdrawn from the file of the Court of the learned Principal District Judge, Guntur, and is transferred to the Court of the learned XI Additional District Judge, Tenali, for trial and disposal in accordance with the procedure established by law.

Pending miscellaneous applications, if any, shall stand closed.

M. SEETHARAMA MURTI, J

18th November 2016

ajr

