

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Tr.C.M.P.No.590 of 2016

ORDER :

This is wife's application under Section 24 of the Code of Civil Procedure, 1908, requesting to withdraw O.P. No.1678 of 2015 on the file of Family Court, Visakhapatnam, and transfer the same to the Court of learned Senior Civil Judge, Bobbili of Vizianagaram 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 T. Ravi Yadav, and perused the material record. Though respondent-husband is served with notice, none appeared and there is no representation for him.

The case of the petitioner-wife is that her husband filed the aforementioned OP for divorce in the Family Court at Visakhapatnam and that she is presently residing with her parents at Saluru of Vizianagaram and that she is having 13-year-old male child and that in the circumstances in which she is placed and on account of financial weakness and lack of male assistance to accompany her, she is unable to undertake travel from Saluru of Vizianagaram to the Court at Visakhapatnam, and, therefore, she is obliged to file this transfer petition.

As per the settled legal position and preponderance of authority, the convenience of wife shall prevail unless there are special circumstances 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In the result, the Tr.C.M.P is allowed and O.P. No.1678 of 2015 is withdrawn from the file of Family Court, Visakhapatnam, and is transferred to the Court of the learned Senior Civil Judge, Bobbili of Vizianagaram District, for trial and disposal in strict accordance with the procedure established by law. No costs.

Pending miscellaneous applications, if any, shall stand closed.

M. SEETHARAMA MURTI, J

3rd November 2016

ajr

