

**HON'BLE SRI JUSTICE M. SEETHARAMA MURTI**

**Tr.C.M.P.No.637 of 2016**

**ORDER :**

This is wife's application under Section 24 of the Code of Civil Procedure, 1908, requesting to withdraw O.P. No.168 of 2013 on the file of the Court of learned Principal District Judge-cum- Judge, Family Court at Eluru of West Godavari District, filed by the husband for divorce, and transfer the same to the Additional Family Court, Visakhapatnam, for trial and disposal in accordance with the procedure established by law.

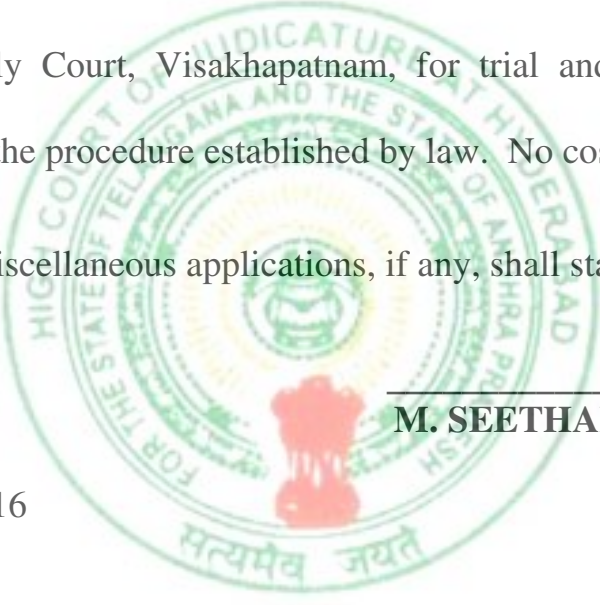
I have heard the submissions of Sri Velagani Narasimhulu, learned counsel for petitioner, and perused the material record. The notice sent to the respondent/husband is returned with a postal endorsement 'addressee left'. Therefore, there is deemed service; service is held sufficient. Despite such service, the respondent does not appear and there is no representation for him.

The case of the petitioner-wife is that she is presently living at the mercy of her brothers, as her father died and that she is having custody of a 10 year old child and that in the circumstances she is placed presently and on account of her financial weakness and her incapacity to undertake travel all alone from her place of residence to the Family Court at Eluru, where the case filed by the husband is pending, she is constrained to seek transfer of that case to the Additional Family Court, Visakhapatnam, where the maintenance case filed by her is pending.

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 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In the result, the Tr.C.M.P is allowed and O.P. No.168 of 2013 is withdrawn from the file of Principal District Court-cum-Family Court at Eluru, West Godavari District, and is transferred to the Court of the Additional Family Court, Visakhapatnam, for trial and disposal in strict accordance with the procedure established by law. No costs.

Pending miscellaneous applications, if any, shall stand closed.



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**M. SEETHARAMA MURTI, J**

3<sup>rd</sup> November 2016

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