

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Transfer Civil Miscellaneous Petition No.538 of 2016

ORDER:

This is a petition by the wife under Section 24 of the Code of Civil Procedure, 1908, requesting to withdraw HMOP.No.674 of 2016 on the file of the Family Court at Visakhapatnam and transfer the same to the Family Court at Rajahmundry of East Godavari District, for trial and disposal in accordance with the procedure established by law.

2. I have heard Sri T.S.N. Murthy, learned counsel for the petitioner-wife. Though notice is served on the respondent and proof of service in that regard is filed, none appears. I have perused the material record.

3. The case of the petitioner as per her pleading and as per the submissions made on her behalf, in brief, is as follows:-

After disputes and estrangement between the spouses, she is residing with her parents at Jampeta of Rajahmundry. She has no male assistance and financial capacity to undertake travel from her place of residence to Visakhapatnam, where the husband has filed HMOP.No.674 of 2016 for grant of divorce. It is inconvenient for her to undertake travel all alone to a place at a distance of 250 Kilometres on the date of every adjournment. The husband is gainfully employed and is residing at Visakhapatnam. If his OP is transferred to the Family Court at Rajahmundry, the ends of justice would be met.

4. As it is settled law that the convenience of the wife must be looked at and shall prevail and in the absence of any special circumstances warranting taking a different view, this Court is satisfied that sufficient cause is shown for granting the relief, more particularly, when the husband is not resisting the application.

5. In the result, the petition is allowed and HMOP.No.674 of 2016 on the file of the Family Court at Visakhapatam is withdrawn from the file of the said Court and is transferred to the file of the Family Court at Rajahmundry for trial and disposal in accordance with the procedure established by law. There shall be no order as to costs.

Miscellaneous petitions pending if any in this TROMP shall stand closed.

M. SEETHARAMA MURTI, J

27.10.2016
Vjl

