

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI
Transfer Civil Miscellaneous Petition No.107 of 2016

ORDER:

This is a wife's petition under Section 24 of the Code of Civil Procedure, 1908, requesting to withdraw FCOP.No.934 of 2015 on the file of the Family Court at Visakhapatnam and transfer the same to the Family Court at Srikakulam.

Heard the submissions of Sri Vinod Kumar Tarlada, learned counsel for the petitioner-wife.

Notice sent to the husband was returned with postal endorsement 'left'. In view of the said endorsement, this Court holds that there is deemed service and service is accordingly held sufficient.

I have perused the material record.

The relevant case of the petitioner-wife is that she is presently residing at Srikakulam along with her mother and that due to inconvenience, financial incapacity and lack of assistance to undertake travel from Srikakulam to Visakhapatnam, where the case filed by the husband is pending, she is constrained to file this petition seeking transfer.

The husband is not resisting the petition.

As it is settled law that the convenience of the wife must be looked at and shall prevail 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.

In the result, the petition is allowed and FCOP.No.934 of 2016 on the file of the Family Court at Visakhapatnam is withdrawn from the file of the said Court and is transferred to the file of the Family Court at Srikakulam for trial and disposal in accordance with the procedure established by law.

Miscellaneous petitions pending, if any, in this petition shall stand closed in the light of this final order. No order as to costs.

03.11.2016
Vjl

M. SEETHARAMA MURTI, J

