

HON'BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

Tr.C.M.P.No.357 of 2013

ORDER:

Heard learned counsel for the petitioner and track record filed regarding proof of service to the respondent, service held sufficient, but he failed to attend and perused the material on record.

In view of the settled expressions of the Apex Court in **Amita Shah Vs. Virender Lal Shah¹** and **T.Gayatri Devi Vs. Dr.Tallepaneni Sreekanth²** that the inconvenience caused to the wife must be weighed when compared to that of the husband in matrimonial matters in considering the transfer applications, the present Transfer Petition is allowed and the H.M.O.P.No.75 of 2013, pending on the file of the Judge, Family Court-cum-Addl.District Judge, East Godavari at Rajahmundry, is withdrawn and transferred to the Judge, Family Court, Eluru, West Godavari District, for renumbering and early disposal. The Judge, Family Court-cum-Addl.District Judge, East Godavari at Rajahmundry, immediately on receipt of the order, shall transmit the records for giving fresh number by the Judge, Family Court, Eluru, West Godavari District. Needless to say the Judge, Family Court, Eluru, West Godavari District shall not insist personal appearance of the respondent herein, if representing through counsel under Section 13 of the Family Courts Act so permitted, but for to reconciliation and giving of evidence etc. equally in the pending M.C.No.8 of 2012 in the event of filing application under Section 126 CrPC by

¹ 2003 (10) SCC 609

² 2013 (6) ALT 42 (SC)

posting both the matters on the even dates. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 04.12.2017
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