

THE HON' BLE DR. JUSTICE B.SIVA SANKARA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.422 OF 2017

ORDER:

The transfer petition is filed by the petitioner/ wife under Section 24 C.P.C., to transfer F.C.O.P.No.2209 of 2016 on the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar, to the Family Court, Visakhapatnam.

Heard both sides.

Proof of service by track record of party left is a sufficient service. Learned counsel for the petitioner also states that the respondent, who is the petitioner in said F.C.O.P. also got knowledge since memo filed before the lower Court pending transfer petition. Hence, taken as heard the respondent and heard the learned counsel for the petitioner.

It is stated by the petitioner/ wife in the affidavit filed in support of the transfer petition that she filed F.C.O.P.No.781 of 2017 on the file of the Family Court, Visakhapatnam, for restitution of conjugal rights and that she is unable to travel lonely all through from Visakhapatnam to Hyderabad, to attend the divorce F.C.O.P.No.2209 of 2016 filed by her husband.

Having regard to the above and both the matters are required common trial from the common evidence involved, to avoid duplication and waste of time of the parties and also the respective Courts and from the settled expression of the Apex

Court in T.Gayatri Devi v. Dr.Pallepaneni Srikanth¹, the convenience of the wife is more for consideration than that of the husband in matrimonial matters, F.C.O.P.No.2209 of 2016 on the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar, is withdrawn, and transferred to the Family Court, Visakhapatnam, to be tried along with F.C.O.P.No.781 of 2017. Needless to say, the personal appearance of the respondent in both the matters can be dispensed with, if representing through advocate unless specifically required for reconciliation or evidence etc.,

Accordingly, the Tr.C.M.P. is allowed.

Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. There shall be no order as to costs.

Date: 16.11.2017
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DR. B. SIVA SANKARA RAO, J

¹ 2013(6) ALT 42 (SC)