

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

Tr.C.M.P.No.666 of 2017

ORDER:

Heard both sides.

2. Perused the grounds urged in the transfer petition filed by the petitioner/wife of the respondent to withdraw F.C.O.P.No.666 of 2016 from the file of the Judge, Family Court, Guntur, filed by her husband for divorce to the file of the Judge, Family Court, Nellore, where the F.C.O.P.No.286 of 2016 filed by her is pending for Restitution of Conjugal Rights besides the maintenance claim filed by her pending as M.C.No.82 of 2016 for common disposal and also by saying she is without proper male assistance and unable to travel and the respondent is a railway employee and he can have the concession to travel even.

3. Having regard to the above and from the settled expression of the Apex Court in ***T.Gayatri Devi Vs. Dr.Tallepaneni Sreekanth***¹ that the inconvenience caused to be the wife must be weighed when compared to that of the husband in matrimonial matters in considering the transfer applications, as such, the transfer civil miscellaneous petition is allowed and the FCOP No.666 of 2016 pending on the file of Judge/Family Court, Guntur, is withdrawn and transferred to the Judge, Family Court, Nellore, for restoration and early

¹ 2013 (6) ALT 42 (SC)

disposal. Both parties are directed, by virtue of this order, to appear before the Judge, Family Court, Nellore, on 27.11.2017. The Judge, Family Court, Guntur, immediately on receipt of the order shall transmit the records for giving fresh number by the Judge, Family Court, Nellore. Needless to say, the Judge, Family Court, Nellore, in all the three matters while common and early disposal by virtue of this order shall not insist personal appearance of the respondent when representing through advocate including as per Section 126(2) Cr.P.C.

4. Accordingly and in the result, this transfer civil miscellaneous petition is allowed. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. There shall be no order as to costs.

03.11.2017
SS

DR.B.SIVA SANKARA RAO, J