

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

TRANSFER CIVIL MISCELLANEOUS PETITION No.153 OF 2017

ORDER:

The transfer petition is filed by the petitioner/ respondent/ wife under Section 24 C.P.C., to transfer O.P.No.71 of 2016 on the file of the Senior Civil Judge, Kadiri, to the Family Court, Kurnool.

Heard both sides.

The petitioner/ wife herein seeking transfer of the said O.P. filed by her husband to Kurnool, where she is residing and expressing her difficulty to lonely proceed, without proper assistance to her, all the way from Kurnool to Kadiri, Ananthapuramu District. Even from the submission by the learned counsel for the respondent/ husband, the respondent is residing at Bangalore and not even at Kadiri.

Having regard to the above 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convenience of the wife is more for consideration than that of the husband in matrimonial matters, O.P.No.71 of 2016 is withdrawn from the file of the Senior Civil Judge, Kadiri, and the same is transferred to the Family Court, Kurnool. The Judge, Family Court, Kurnool, shall not insist the personal appearance of the respondent/ husband, when representing through advocate

¹ 2013(6) ALT 42 (SC)

unless his appearance is specifically required. The Senior Civil Judge, Kadiri, is forthwith to transmit the record to the Family Court, Kurnool, who in turn issue fresh notices to the parties. In the meanwhile, both the parties are directed to appear before the Family Court, Kurnool, on 04.12.2017, without expecting any notice for proceeding further.

With the above directions and observations, 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: 06.11.2017
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DR. B. SIVA SANKARA RAO, J

