

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.563 of 2017

ORDER :

The transfer petition is filed by the petitioner/ wife under Section 24 C.P.C., to transfer H.M.O.P.No.258 of 2016 on the file of the Family Court, Vijayawada, Krishna District, to the Senior Civil Judge Court, Narsapuram, West Godavari District.

It is stated by the petitioner/ wife in the affidavit filed in support of the petition that she is seeking transfer of the said H.M.O.P., which is filed by her husband seeking divorce on the ground that she is residing at Pippallavarithota, H/o Ramannapalem, Mogaltur Mandal, West Godavari District, with her sick mother and it is very difficult for her to travel all the way from the said place to Vijayawada and that the M.C. filed by her is pending on the file of the Judicial First Class Magistrate, Narasapuram.

In view of the settled expression of the Apex Court in T.Gayatri Devi v. Dr.Pallepaneni Srikanth¹ and Amita Shah v. Virender Lal Shah², the convenience of the wife is more for consideration than that of the husband in matrimonial matters, H.M.O.P.No.258 of 2016 on the file of the Family Court, Vijayawada, Krishna District, is withdrawn and transferred to the

¹ 2013(6) ALT 42 (SC)

² 2003(10)SCC 609

to the Senior Civil Judge Court, Narsapuram, West Godavari District, so that the parties can conveniently seek adjournment in both the matters to one day. Needless to say, the personal appearance of the respondent/ husband can be dispensed with in the said H.M.O.P. including M.C. invoking Section 126 Cr.P.C, 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:05-12-2017
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Dr. B. SIVA SANKARA RAO, J

