

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

Tr.C.M.P.No.669 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 O.P.No.141 of 2016 from the file of the Senior Civil Judge, Bheemavaram, filed by her husband for Restitution of Conjugal Rights to the file of the Judge, Family Court, Visakhapatnam and also by saying she is not in a position to travel from Visakhapatnam to Bheemavaram along with her two years old child and also unable to meet the expenses to be incurred for attending before the Court of Senior Civil Judge, Bheemavaram.

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miscellaneous petition is allowed and OP No.141 of 2016 pending on the file of Senior Civil Judge, Bheemavaram, is withdrawn and transferred to the Judge, Family Court, Visakhapatnam, for restoration and early disposal. Both parties are directed, by

¹ 2013 (6) ALT 42 (SC)

virtue of this order, to appear before the Judge, Family Court, Visakhapatnam, on 27.11.2017. The Senior Civil Judge Court, Bheemavaram, immediately on receipt of the order shall transmit the records for giving fresh number by the Judge, Family Court, Visakhapatnam. Needless to say, the Judge, Family Court, Visakhapatnam, while early disposal of the case by virtue of this order shall not insist personal appearance of the parties but for reconciliation when representing through advocate.

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