

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

Tr.C.M.P. No.607 of 2017

ORDER:

This petition is filed under Section 24 of C.P.C. by the respondent-wife in divorce H.M.O.P.No.1369 of 2016 filed by her husband-respondent herein seeking to withdraw said OP from the file of the learned Judge, Family Court, Visakhapatnam, Andhra Pradesh, and to transfer the same to the file of the Judge, Family Court, Ranga Reddy District, at Miyapur.

2. The averments of the affidavit of the petitioner are that she is legally wedded wife of the respondent and her marriage with the respondent was held on 6/7.10.2011 at Visakhapatnam. They lived happily for some time and were blessed with a male child and later her husband and in-laws started harassing her for no reason physically and mentally and she was presently staying with her parents at Hyderabad. She was residing at Khairatbad, Hyderabad and filed DVC No.162 of 2016 before III Metropolitan Magistrate, Erramanzil, Hyderabad against the respondent and his parents. As a counterblast to her case, her husband later filed divorce petition on the file of the Judge, Family court, Visakhapatnam by suppressing material facts. As she is resident of Hyderabad and working for survival of herself and her minor son, it is very inconvenient to her to attend the Court proceedings at Visakhapatnam by incurring expenditure. Hence, the petition.

3. Heard both sides and perused the material on record.

4. The principle enunciated in **T.Gayatri Devi v. Dr. Tallepaneni Sreekanth**¹ and **Sumita Sing Vs. Kumar Sanjay**² the paramount consideration, in transfer of matrimonial cases, is the inconvenience of the wife when compared to that of the husband.

5. Having regard to the above, Tr.CMP is disposed of. The H.M.O.P.No.1369 of 2016 is withdrawn from the file of the learned Judge, Family Court, Visakhapatnam, Andhra Pradesh and transferred to the file of the learned Judge, Family Court, Secunderabad, instead of Judge, Family Court, Ranga Reddy District at L.B.Nagar, since the respondent/husband has to travel all the way from Odissa, for disposal in accordance with law. The Judge, Family Court, Secunderabad, is directed to dispense with the personal appearance of the petitioner/husband once representing through advocate unless personal appearance is required for reconciliation or for giving of evidence, as the case may be.

6. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date:28.11.2017

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¹ 2013 (6) ALT 42 (SC)

² AIR 2002 SC 396