

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

TRANSFER C.M.P. No.507 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 H.M.O.P.No.11 of 2017 from the file of the Principal Senior Civil Judge, Machilipatnam, Krishna District, filed by her husband for divorce to the file of the Senior Civil Judge, Chirala, Prakasam District, and also by saying the maintenance claim failed by her pending as M.C.No.31 of 2016 on the file of the Judicial Magistrate of First Class, Chirala, and also by saying she is not in a position to travel from Desaipeta, Vetapalem of Prakasam District to Machilipatnam and unable to meet the expenses to be incurred for attending before the Court of Principal Senior Civil Judge, Machilipatnam.

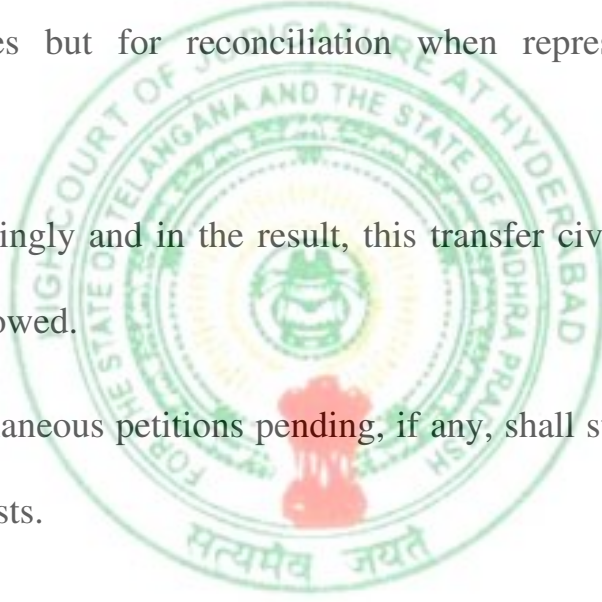
3. Having regard to the above and from the settled expression of the Apex Court in **T.Gayatri Devi v. Dr.Tallepaneni Sreekanth**¹ that the inconvenience caused to be the wife must be weighed when compared to that of the husband in matrimonial matters in considering the transfer applications, as such, the transfer civil miscellaneous petition is allowed and the H.M.O.P.No.11 of 2017 pending on the file of the Principal Senior Civil Judge, Machilipatnam, Krishna District, is withdrawn and transferred to Senior Civil Judge, Chirala, Prakasam

¹ 2013 (6) ALT 42 (SC)

District, for renumbering and early disposal. Both parties are directed, by virtue of this order, to appear before the Senior Civil Judge, Chirala, Prakasam District, on 11.12.2017. The Principal Senior Civil Judge, Machilipatnam, Krishna District, immediately on receipt of the order shall transmit the records for giving fresh number by the Senior Civil Judge, Chirala, Prakasam District. Needless to say, the Senior Civil Judge, Chirala, Prakasham, 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, if any, shall stand closed. No order as to costs.



Dr. B. SIVA SANKARA RAO, J

13th November 2017.

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