

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

Tr.C.M.P.No.662 of 2017

ORDER:

Heard both sides. Perused the grounds urged in the transfer petition and the counter affidavit and reply affidavit respectively.

2. Undisputedly the petitioner - wife, in O.P.No.272 of 2014 pending on the file of the Judge/Family Court – III Additional District Judge, Warangal, was respondent to the said divorce petition under Section 13 of the Hindu Marriage Act, even he is now residing at Saroornagar of R.R. District and not residing in Warangal.

3. By expressing these facts and from the personal inconvenience to personally attend without another assistance to her all through from her residence at Malkajgiri to Warangal, she sought for transfer to the XVI Additional District Judge-cum-Family Court, Malkajgiri. The law is fairly settled from the 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.

¹ 2013 (6) ALT 42 (SC)

4. Having regard to the above, by left open several contentions raised which is a matter for adjudication in the divorce petition, to sub-serve the ends of justice, the FCOP No.272 of 2014 pending on the file of Judge/Family Court, Warangal, is withdrawn and transferred to the XVI Additional District Judge-cum-Family Court, Malkajgiri, for restoration and early disposal. Both parties are directed, by virtue of this order, to appear before the XVI Additional District Judge-cum-Family Court, Malkajgiri, on 27.11.2017. The Judge, Family Court, Warangal, immediately on receipt of the order shall transmit the records for giving fresh number by the XVI Additional District Judge-cum-Family Court, Malkajgiri.

5. 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.

DR.B.SIVA SANKARA RAO, J

03.11.2017
SS