

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.251 of 2017

ORDER :

This petition is filed by the petitioner/ wife under Section 24 C.P.C., to transfer O.P.No.225 of 2016 on the file of the III Additional Senior Civil Judge, Kakinada, East Godavari District, to the Family Court, Ranga Reddy District at Miyapur.

Service held sufficient as refused to honour the notice sent to the respondent and hence taken as heard and heard the learned counsel for the petitioner.

In view of the settled expressions 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matters, O.P.No.225 of 2016 on the file of the III Additional Senior Civil Judge, Kakinada, East Godavari District, is withdrawn and transferred to the Family Court, Ranga Reddy District at Miyapur, to post along with M.C.No.356 of 2017 to the same day to avoid inconvenience of the parties. Needless to say, the personal appearance of the respondent/ husband can be dispensed with, if representing through advocate unless specifically required for reconciliation or evidence etc.,

¹ 2013(6) ALT 42 (SC)

² 2003(10)SCC 609

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.

Dr. B. SIVA SANKARA RAO, J

Date:21-12-2017
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