

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.925 of 2016

ORDER :

The transfer petition is filed by the petitioner/ wife under Section 24 C.P.C., to transfer O.P.No.1015 of 2016 on the file of the Additional Family Court, Visakhapatnam, to the Senior Civil Judge, Chirala, Prakasam District.

It is stated by the petitioner/ wife in the affidavit filed in support of the petition that she is seeking transfer of the said O.P., which is filed by her husband for restitution of conjugal rights on the ground that she is staying with her parents at Chirala and unable to travel all the way from Chirala to Visakhapatnam.

In view of the settled expressions of the Apex Court in T.Gayatri Devi v. Dr.Pallepaneni Srikanth<sup>1</sup> and Amita Shah v. Virender Lal Shah<sup>2</sup>, the convenience of the wife is more for consideration than that of the husband in matrimonial matters, O.P.No.1015 of 2016 on the file of the Additional Family Court, Visakhapatnam, is withdrawn and transferred to the Senior Civil Judge, Chirala, Prakasam District. Needless to say, the personal appearance of the respondent/ husband can be dispensed with in

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<sup>1</sup> 2013(6) ALT 42 (SC)

<sup>2</sup> 2003(10)SCC 609

the said O.P. and in M.C.No.33 of 2015 on the file of the Additional Judicial Magistrate of First Class, Chirala, under Section 126 Cr.P.C. if representing through advocate unless specifically required for reconciliation or evidence etc.,

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.

Date:12-12-2017  
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Dr. B. SIVA SANKARA RAO, J

