

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

TR.C.M.P.No.540 OF 2016

ORDER:

Heard.

2. Perused the grounds urged in the transfer petition filed by the petitioner/wife of the respondent to withdraw H.M.O.P.No.01 of 2016 from the file of the Senior Civil Judge, Machilipatnam, Krishna District, filed by her husband for Restitution of Conjugal Rights to the file of the Senior Civil Judge, Kovvur, East Godavari District and also by saying she is house woman, unable to travel all the way from her residence at Kovvur to the Senior Civil Judge Court at Machilipatnam.

3. Having regard to the above and from the settled 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, as such, the transfer civil miscellaneous petition is allowed and HMOP No.01 of 2016 pending on the file of Senior Civil Judge, Machilipatnam, Krishna District, is withdrawn and transferred to the Senior Civil Judge, Kovvur, West Godavari District, for restoration and early disposal.

¹ 2013 (6) ALT 42 (SC)

4. 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

13.11.2017

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