

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Tr.CMP No.506 of 2017

ORDER :

The petitioner is no other than wife of the respondent. She is seeking transfer of FCOP No.1670 of 2015 pending on the file of the Judge, Family Court at Hyderabad, filed against her by her husband for divorce, for any competent Courts in Visakhapatnam City.

2. The averments in the transfer petition are that her marriage with the respondent was performed on 30.07.2006 at Visakhapatnam and after marriage, they lead happy married life at Hyderabad and were blessed with two children. After that, the respondent and his family members subjected her to cruelty and neglected the children. As she is unable to put up with the harassment, now staying with her parents at Visakhapatnam. Since her husband filed divorce petition at Hyderabad and she is staying at Visakhapatnam with her parents, it is very difficult and inconvenient to her to come to Hyderabad all the way to attend Court proceedings at Hyderabad and bear expenses. Hence, the petition.

3. Heard the learned counsel for the petitioner-wife and notice sent to the respondent returned as door locked, leave about the subsequent notice was also returned as unclaimed as door locked, is sufficient service and taken as heard. Perused the material on record.

4. The principle enunciated in T.Gayatri Devi v. Dr. Tallepaneni Sreekanth¹ and Sumita Sing Vs. Kumar Sanjay² the paramount consideration, in transfer of matrimonial cases, is the inconvenience of the wife when compared to that of the husband.

5. Having regard to the above, Tr.CMP is allowed. The F.C.O.P.No.1670 of 2015 is withdrawn from the file of the Judge, Family Court, Hyderabad, and transferred to the file of the learned Judge, Family Court, Visakhapatnam, for disposal in accordance with law. The Judge, Family Court, Visakhapatnam, is directed to dispense with the personal appearance of the respondent/ husband once representing through advocate unless personal appearance is required for reconciliation or for giving of evidence, as the case may be.

6. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date:21.11.2017
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¹ 2013 (6) ALT 42 (SC)

² AIR 2002 SC 396