

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

TRANSFER C.M.P.No.138 of 2017

ORDER :

Heard both sides.

2. Perused the grounds urged in the transfer petition filed by the petitioner-wife of the respondent to withdraw H.M.O.P.No.65 of 2015 from the file of the Senior Civil Judge, Sompeta, Srikakulam District, filed by her husband for restitution of conjugal rights, and transfer the same to the Courts at Amalapuram of East Godavari District, where M.C.No.4 of 2014 filed by her for maintenance is pending before the Additional Judicial Magistrate of First Class, Amalapuram.

3. In view of the settled expressions of the Apex Court in **T. Gayatri Devi v. Dr.Tallepaneni Sreekanth¹** and **Amita Shah v. Virender Lal Shah²**, 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, the present transfer petition is allowed and H.M.O.P.No.65 of 2015 pending on the file of the Senior Civil Judge at Sompeta of Srikakulam District, is withdrawn and transferred to the Court of the Senior Civil Judge, Amalapuram of East Godavari District. The Senior Civil Judge, Amalapuram, by virtue of this order, and shall not insist the personal appearance of the respondent herein if representing

¹ 2013 (6) ALT 42 (SC)

² (2003) 10 SCC 609

through advocate under Section 13 of the Family Courts Act, if any,
but for reconciliation and for giving of evidence.

Miscellaneous petitions pending, if any, shall stand closed. No
order as to costs.

Dr. B. SIVA SANKARA RAO, J

11th December 2017.

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