

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

TRANSFER C.M.P. No.675 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 F.C.O.P.No.57 of 2017 from the file of the Judge, Family Court, Kadapa, filed by her husband for divorce to the file of the Judge, Family Court, Anantapuram, where the F.C.O.P.No.178 of 2017 filed by her under Section 125 Cr.P.C. is pending besides D.V.C.No.35 of 2017 pending on the file of the Special Judicial First Class Magistrate-cum-Mobile Court and a criminal case registered under Sections 498-A and 506 read with 34 IPC and Section 3 of Dowry Prohibition Act and also by saying she is unable to travel from Kadapa to Anantapuram.

3. Having regard to the above and from the settled expression of the Apex Court in **T.Gayatri Devi v. 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petition is allowed and the F.C.O.P.No.57 of 2017 pending on the file of the Judge, Family Court, Kadapa, is withdrawn and transferred to the Judge, Family Court, Anantapuram, for renumbering and early disposal. Both parties are directed, by virtue of this order, to appear

¹ 2013 (6) ALT 42 (SC)

before the Judge, Family Court, Anantapuram, on 11.12.2017. The Judge, Family Court, Kadapa, immediately on receipt of the order shall transmit the records for giving fresh number by the Judge, Family Court, Anantapuram. Needless to say, the Judge, Family Court, Anantapuram, while early disposal of the case by virtue of this order shall not insist personal appearance of the parties since representing through Advocate in both the matters before the Family Court, Anantapuram, but for wherever personal appearance is required including as per Section 126(2) Cr.P.C.

4. Accordingly and in the result, this transfer civil miscellaneous petition is allowed.

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

13th November 2017.

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Dr. B. SIVA SANKARA RAO, J