

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

TRANSFER C.M.P.No.669 of 2016

ORDER :

Heard both sides.

2. Heard learned counsel for the petitioner and the grounds urged in the transfer petition filed by the petitioner-wife of the respondent to withdraw H.M.O.P.No.71 of 2014 from the file of the Senior Civil Judge, Machilipatnam, filed by her husband for divorce to the file of the Senior Civil Judge, Amalapuram, where O.P.No.98 of 2016 filed by her for restitution of conjugal rights is pending.

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present transfer petition is allowed and H.M.O.P.No.71 of 2014 pending on the Senior Civil Judge at Machilipatnam, is withdrawn and transferred to Senior Civil Judge, Amalapuram. The Senior Civil Judge, Amalapuram, shall club both the matters i.e., H.M.O.P.No.71 of 2014 and O.P.No.98 of 2016, and decide, by virtue of this order, and shall not insist the personal appearance of the parties herein if representing through advocate under Section 13 of the Family Courts Act, if any, but for reconciliation and for giving of evidence.

¹ 2013 (6) ALT 42 (SC)

² (2003) 10 SCC 609

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

Dr. B. SIVA SANKARA RAO, J

5th December 2017.

mar

