

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.643 of 2017

ORDER :

The transfer petition is filed by the petitioner/ wife under Section 24 C.P.C., to transfer F.C.O.P.No.722 of 2015 on the file of the Family Court, Vijayawada, to the Family Court, Rajahmundry.

The notice sent to respondent is returned with an endorsement of 'refused'. Heard the learned counsel for the petitioner.

It is stated by the petitioner/ wife in the affidavit filed in support of the petition that she is seeking transfer of the said F.C.O.P., which is filed by her husband seeking divorce on the ground that she is residing in Rajahmundry with her old-aged parents and it is very difficult for her to travel all the way from Rajahmundry to Vijayawada.

In view of the settled expression of the Apex Court in T.Gayatri Devi v. Dr.Pallepaneni Srikanth<sup>1</sup>, the convenience of the wife is more for consideration than that of the husband in matrimonial matters, F.C.O.P.No.722 of 2015 on the file of the Family Court, Vijayawada, is withdrawn and transferred to the

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<sup>1</sup> 2013(6) ALT 42 (SC)

Family Court, Rajahmundry. Needless to say, the personal appearance of the respondent/ husband can be dispensed with, if representing through advocate unless specifically required for reconciliation or evidence etc.,

Accordingly, the Tr.C.M.P. is allowed.

Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. There shall be no order as to costs.

Date:29-11-2017  
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Dr. B. SIVA SANKARA RAO, J

