

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

Tr.C.M.P.No.226 OF 2017

ORDER:

Heard learned counsel for the petitioner. Respondent served, failed to attend.

2. In view of the settled expression of the Hon'ble Apex Court in ***T.Gayatri Devi Vs. 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, the present transfer petition is allowed and the H.M.O.P.No.48 of 2016, pending on the file of Senior Civil Judge, Ongole is withdrawn and transferred to the Judge, Family Court, Guntur, for restoration and early disposal. However, the Judge Family Court, Guntur, shall not insist the personal appearance including in the maintenance matter under Section 126 Cr.P.C. of the respondent/husband herein, if appears through advocate permitted under Section 13 of the Family Courts act, but for personal appearance required as and when so to direct and post the maintenance case and the present O.P. for Restitution of Conjugal Rights to one day to the convenience of parties in simultaneous disposal.

¹ 2013 (6) ALT 42 (SC)

3. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO, J

21.11.2017
SS

