

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

Tr.C.M.P.No.497 OF 2017

ORDER:

Respondent even served failed to attend.

2. Perused the petition affidavit and heard learned counsel for the petitioner. Leave about the fact that DVC.No.12 of 2013 earlier filed on the file of the Judicial First Class Magistrate, Suryapet, is stated disposed of apart from the M.C.No.12 of 2014, settled in Lok Adalat by LAC Award No.217 of 2015 on 27.06.2015 for payment of lumpsum to the wife (transfer petitioner) and the minor child of the transfer petition respondent herein and it is pursuant to the terms of the compromise dated 27.06.2015, there is an understanding to file a consent divorce petition before Senior Civil Judge, Suryapet.

3. It is the submission that the amount is not fully paid and the couple could not come forward for the consent divorce petition and therefrom, husband filed the divorce petition in the Family Court, Mahbubnagar and it is a great inconvenience to her, who is under the protection of her parents at Nalgonda Town, to attend the court at Mahbubnagar, thereby it is sought to be transferred.

4. As held by the Hon'ble Apex Court in ***T.Gayatri Devi Vs. Dr.Tallepaneni Sreekanth***¹, the inconvenience caused to the wife is more in concern when compared to that of the husband as per the said expression.

5. Having regard to the above, this transfer miscellaneous petition is allowed and the O.P.No.27 of 2017 is withdrawn from the file of Judge, Family Court, Mahbubnagar and transferred to Judge, Family Court, Nalgonda District.

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

14.11.2017
SS

DR.B.SIVA SANKARA RAO, J

¹ 2013 (6) ALT 42 (SC)