

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Tr.CMP No.689 of 2017

ORDER :

The petitioner is no other than wife of the respondent. She is seeking transfer of FCOP No.96 of 2017 pending on the file of the Judge, Family Court, Kadapa, Andhra Pradesh, filed against her by her husband for divorce, to the Senior Civil Judge's Court, Gooty, Anantapur District.

2.The averments of the transfer petition are that her marriage with the respondent was performed on 14.06.2014 at Railway Institute, Guntakal, Anantapur District and after marriage, they lived for sometime happily and after that her husband along with her parents used to ill-treat and harass her mentally and physically. Unable to bear their torture, she left her matrimonial house and staying at Guntakal with her parents. She is suffering from mental illness and suicidal tendencies. It is her averment that intentionally her husband filed F.C.O.P.No.96 of 2017 against her before the Judge, Family Court, Kadapa though she is residing at Guntakal town. Since her husband is trying to make an attack on her while traveling to attend the Court proceedings at Kadapa, it has become very difficult and inconvenient to her to travel all through from Guntakal.

3. Heard. Proof of service of respondent filed. There is no representation for the respondent. Perused the grounds urged in the transfer petition.

4. The principle enunciated in T.Gayatri Devi v. Dr. Tallepaneni Sreekanth¹ and Sumita Sing Vs. Kumar Sanjay² the paramount consideration, in transfer of matrimonial cases, is the inconvenience of the wife when compared to that of the husband.

5. Having regard to the above, Tr.CMP is allowed. The F.C.O.P.No.96 of 2017 is withdrawn from the file of the Judge, Family Court, Kadapa, Andhra Pradesh and transferred to the file of the learned Senior Civil Judge, Gooty, Anantapur District, for disposal in accordance with law. The learned Senior Civil Judge, Gooty, is directed to dispense with the personal appearance of the respondent/husband once representing through advocate unless personal appearance is required for reconciliation or for giving of evidence, as the case may be.

6. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date:24.11.2017
vvr

¹ 2013 (6) ALT 42 (SC)

² AIR 2002 SC 396