

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

Tr.C.M.P.No.744 OF 2017

ORDER:

Heard both sides.

2. Perused the grounds urged in the transfer petition filed by the petitioner/wife of the respondent to withdraw O.P.No.753 of 2017 from the file of the Judge, Family Court, Vijayawada, filed by her husband for Divorce under Section 13 of the Hindu Marriage Act, to the file of the III Additional Family Court, Malkajgiri (Cyberabad) and also by saying she is not in a position to travel from Hyderabad to Vijayawada along with her child and also unable to meet the expenses to be incurred for attending before the Judge, Family Court, Vijayawada.

3. Having regard to the above and from the settled expression of the 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, as such, the transfer civil miscellaneous petition is allowed in part and OP No.753 of 2017 pending on the file of Judge, Family Court, Vijayawada, is withdrawn and transferred to the Judge, Family Court, Secunderabad, for restoration and early disposal.

¹ 2013 (6) ALT 42 (SC)

4. Accordingly and in the result, this transfer civil miscellaneous petition is allowed in part. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. There shall be no order as to costs.

DR.B.SIVA SANKARA RAO, J

16.11.2017
SS

