

**HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO**

**TRANSFER C.M.P.No.711 of 2017**

**ORDER :**

Heard both sides.

2. Perused the grounds urged in the transfer petition filed by the petitioners to withdraw H.M.O.P.No.94 of 2017 from the file of the Principal Senior Civil Judge, Tirupati, filed by the husband of petitioner No.1 for dissolution of marriage, to the file of the Judge, Family Court, Anantapur, where F.C.M.C.No.199 of 2017 filed by the petitioners seeking maintenance is pending.

3. In view of the settled expressions of the Apex Court in **T. Gayatri Devi v. Dr.Tallepaneni Sreekanth<sup>1</sup>** and **Amita Shah v. Virender Lal Shah<sup>2</sup>**, 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petition is allowed and H.M.O.P.No.94 of 2017 pending on the file of the Principal Senior Civil Judge, Tirupati, is withdrawn and transferred to the Judge, Family Court, Anantapur. The Judge, Family Court, Anantapur, shall post H.M.O.P.No.94 of 2017 along with F.C.M.C.No.199 of 2017 even dates, by virtue of this order, so that there will be little convenience, and shall not insist the personal appearance of the parties herein if representing through advocate under Section 13 of the Family Courts Act, if any, but for

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

<sup>2</sup> (2003) 10 SCC 609

reconciliation and for giving of evidence, including in the maintenance case under Section 126(2) Cr.P.C.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

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**Dr. B. SIVA SANKARA RAO, J**

11<sup>th</sup> December 2017.

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