

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

Tr.C.M.P.No.704 of 2017

ORDER:

Heard learned counsel for the petitioner and taken as heard the respondent from the proof of service filed by the petitioner held sufficient from the intimation continuously not found even in the same address given by the respondent to the transfer petition, as petitioner to the divorce petition before the learned Senior Civil Judge, Ramachandrapuram.

In view of the settled expressions of the Apex Court in **Amita Shah Vs. Virender Lal Shah¹** and **T.Gayatri Devi Vs. Dr.Tallepaneni Sreekanth²** that the inconvenience caused to 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the D.O.P.No.168 of 2016, pending on the file of the Senior Civil Judge, Ramachandrapuram, East Godavari District, is withdrawn and transferred to the Judge, Family Court, Eluru, West Godavari District, for renumbering and early disposal. The Senior Civil Judge, Ramachandrapuram, East Godavari District, immediately on receipt of the order shall transmit the records for giving fresh number by the Judge, Family Court, Eluru, West Godavari District. Needless to say the Judge, Family Court, Eluru, West Godavari District, shall not insist the personal appearance of the respondent herein, if representing through counsel under Section 13 of the Family Courts Act so permitted, but for to reconciliation and giving of evidence etc.

¹ 2003 (10) SCC 609

² 2013 (6) ALT 42 (SC)

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 11.12.2017
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