

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.770 of 2017

ORDER :

The transfer petition is filed by the petitioner/ wife under Section 24 C.P.C., to transfer O.P.No.326 of 2017 on the file of the Family Court, City Civil Court, Secunderabad, to the District Judge, Yadadri Bhongir District.

It is stated by the petitioner/ wife in the affidavit filed in support of the petition that she is seeking transfer of the said O.P., which is filed by her husband seeking divorce on the ground that she is staying with her father at Yadagiripally Village and unable to bear travelling expenses.

In view of the settled expressions of the Apex Court in T.Gayatri Devi v. Dr.Pallepaneni Srikanth¹ and Amita Shah v. Virender Lal Shah², the convenience of the wife is more for consideration than that of the husband in matrimonial matters, O.P.No.326 of 2017 on the file of the Family Court, City Civil Court, Secunderabad is withdrawn and transferred to the Senior Civil Judge Court, Bhongir. Needless to say, the personal appearance of the respondent/ husband can be dispensed with in the said O.P. if representing through advocate unless specifically required for reconciliation or evidence etc.,

Accordingly, the Tr.C.M.P. is allowed.

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

¹ 2013(6) ALT 42 (SC)

² 2003(10)SCC 609

Date:11-12-2017
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