

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

TRANSFER C.M.P.No.685 of 2017

ORDER :

Heard learned counsel for the petitioner and the grounds urged in the transfer petition filed by the petitioners to withdraw H.M.O.P.No.158 of 2017 from the file of the Principal Senior Civil Judge at Machilipatnam, filed by her husband for restitution of conjugal rights, to the file of the Judge, Family Court, Khammam, where M.C.No.38 of 2017 filed by her and her daughter seeking maintenance is pending.

2. In view of the settled expressions of the Apex Court in **T. Gayatri Devi v. Dr.Tallepaneni Sreekanth¹** and **Amita Shah v. Virender Lal Shah²**, 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is allowed and H.M.O.P.No.158 of 2017 pending on the file of the Principal Senior Civil Judge, Machilipatnam, is withdrawn and transferred to the Judge, Family Court, Khammam. The Judge, Family Court, Khammam, shall post H.M.O.P.No.158 of 2017 along with M.C.No.38 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

¹ 2013 (6) ALT 42 (SC)

² (2003) 10 SCC 609

Act, if any, but for 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.

Dr. B. SIVA SANKARA RAO, J

11th December 2017.

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