

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

TRANSFER C.M.P.No.714 of 2017

ORDER :

Heard learned counsel for the petitioner and the grounds urged in the transfer petition filed by the petitioner-wife of the respondent, to withdraw H.M.O.P.No.142 of 2017 from the file of the Principal Senior Civil Judge, Gudur of Nellore District, filed by her husband for restitution of conjugal rights, and transfer the same to the file of the Principal Senior Civil Judge, Chittoor, where H.M.O.P.No.1 of 2016 filed by her for dissolution of marriage 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petition is allowed and H.M.O.P.No.142 of 2017 pending on the Senior Civil Judge at Gudur, Nellore District, is withdrawn and transferred to the Principal Senior Civil Judge, Chittoor. The Principal Senior Civil Judge, Chittoor, shall club both the matters i.e., H.M.O.P.No.142 of 2017 and H.M.O.P.No.1 of 2016, and decide, by virtue of this order, and shall not insist the personal appearance of the parties herein if representing through advocate

¹ 2013 (6) ALT 42 (SC)

² (2003) 10 SCC 609

under Section 13 of the Family Courts Act, if any, but for reconciliation and for giving of evidence.

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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