

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

TRANSFER C.M.P.No.803 of 2017

ORDER :

Proof of service on respondent filed. No representation for the respondent and taken as heard.

2. Heard learned counsel for the petitioner and the grounds urged in the transfer petition filed by the petitioner-wife of the respondent to withdraw F.C.O.P.No.1855 of 2017 from the file of the II Additional Family court-cum-XV Additional District and Sessions Judge, Miyapur at Kukatpally, Ranga Reddy District, filed by her husband for dissolving the marriage, and transfer the same to the file of the Judge, Family Court, City Civil Court, Hyderabad, where F.C.O.P.No.207 of 2017 filed by her for restitution of conjugal rights is pending.

3. 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, and since F.C.O.P.No.207 of 2017 filed in February 2017 is pending in the Family Court, City Civil Court, Hyderabad, and the F.C.O.P.No.1855 of 2017 is filed subsequently at the Judge, Family Court, Miyapur at Kukatpally of Ranga Reddy District, the present transfer petition is

¹ 2013 (6) ALT 42 (SC)

² (2003) 10 SCC 609

allowed and F.C.O.P.No.1855 of 2017 pending on the file of the II Additional Family court-cum-XV Additional District and Sessions Judge, Miyapur at Kukatpally, Ranga Reddy District, is withdrawn and transferred to Judge, Family Court, City Civil Court, Hyderabad. The Judge, Family Court, City Civil Court, Hyderabad, shall conduct joint trial in both the matters i.e., F.C.O.P.No.1855 of 2017 and F.C.O.P.No.207 of 2017 and decide, by virtue of this order, 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 reconciliation and for giving of evidence.

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

14th December 2017.

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Dr. B. SIVA SANKARA RAO, J