

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

TRANSFER C.M.P.No.839 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 O.P.No.122 of 2017 from the file of the Senior Civil Judge, Nandigama of Krishna District, filed by her husband for divorce to the file of the Senior Civil Judge, Repalle of Guntur District, where H.M.O.P.No.9 of 2017 filed by her for restitution of conjugal rights 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 application, the present transfer petition is allowed and Divorce O.P.No.122 of 2017 pending on the file of the Senior Civil Judge, Nandigama, Krishna District, is withdrawn and transferred to the Court of Additional Senior Civil Judge, Repalle of Guntur District. Additional Senior Civil Judge, Repalle of Guntur District, shall club both the matters i.e., Divorce O.P.No.122 of 2017 and H.M.O.P.No.9 of 2017, 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

26th December 2017.

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