

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

TRANSFER C.M.P.No.554 of 2017

ORDER :

Heard both sides.

2. Perused the medical record regarding the so-called ill-health of the respondent to the transfer petition, no other than the petitioner in F.C.O.P.No.300 of 2016, pending on the file of the Judge, Family Court, Secunderabad. Undisputedly, earlier he filed similar petition F.C.O.P.No.586 of 2014 before the same Court and it was transferred to the Senior Civil Judge, Suryapet of Nalgonda District, vide order of this Court, dated 22.06.2015, in Tr.C.M.P.No.32 of 2015. It was stated F.C.O.P.No.586 of 2014 ended in dismissal for default. In the present transfer petition, we need not get into maintainability or otherwise of the F.C.O.P.No.300 of 2016, but for that Court to decide on own merits. So far as the transfer sought of the present F.C.O.P.No.300 of 2016 from the Judge, Family Court, Secunderabad, to the Senior Civil Judge, Suryapet, concerned, the convenience of the wife is more relevant when compared to that of the husband even as per the expressions of the Apex Court in **T. Gayatri Devi v. Dr.Tallepaneni Sreekanth¹** and **Amita Shah v. Virender Lal Shah²**.

3. Having regard to the above, the transfer C.M.P. is allowed and F.C.O.P.No.300 of 2016 pending on the file of the Judge, Family

¹ 2013 (6) ALT 42 (SC)

² (2003) 10 SCC 609

Court, Secunderabad, is withdrawn and transferred to the Senior Civil Judge, Suryapet. In view of the contention that he is not keeping good health, the trial Court shall not insist the personal appearance of the respondent, 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.

4th January 2018.

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Dr. B. SIVA SANKARA RAO, J

