

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.769 of 2016

ORDER :

This petition is filed by the petitioner/ wife under Section 24 C.P.C., to transfer H.M.O.P.No.114 of 2016 on the file of the Principal Senior Civil Judge, Machilipatnam, to the Family Court, Visakhapatnam.

Heard both sides.

In view of the settled expressions of the Apex Court in T.Gayatri Devi v. Dr.Pallepaneni Srikanth¹ and Amita Shah v. Virender Lal Shah², the convenience of the wife is more for consideration than that of the husband in matrimonial matters, H.M.O.P.No.114 of 2016 on the file of the Principal Senior Civil Judge, Machilipatnam, is withdrawn and transferred to the Family Court, Visakhapatnam. Needless to say, the personal appearance of the respondent/ husband can be dispensed with, if representing through advocate unless specifically required for reconciliation or evidence etc.,

Accordingly, the Tr.C.M.P. is allowed.

Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. There shall be no order as to costs.

Dr. B. SIVA SANKARA RAO, J

Date:04.01.2018
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¹ 2013(6) ALT 42 (SC)

² 2003(10)SCC 609