

**THE HON'BLE SRI JUSTICE BATTU DEVANAND****Tr.C.M.P.NO.197 of 2022****ORDER:**

This Transfer Civil Miscellaneous Petition has been filed to withdraw and transfer the HMOP No.6 of 2022 on the file of the Senior Civil Judge, Rayachoty, Annamayya District (erstwhile YSR Kadapa District) to the Principal Senior Civil Judge, Madanapalle, Annamayya District (erstwhile YSR Kadapa District).

2) Heard Sri K. Jitendra, learned counsel for the petitioner. Perused the record.

3) In compliance of the order, dated 28.06.2022 of this Court, personal notice was issued to the respondent by the petitioner counsel. The learned counsel for the petitioner filed postal track report along with a memo vide U.S.R.No.41731/2022 on 14.07.2022, which shows the notice was delivered to the respondent on 05.07.2022. In spite of service of notice, there is no appearance for the Respondent.

4) The learned counsel for the petitioner submits that the petitioner is wife and the respondent is husband. Their marriage was solemnized on 18.10.2020 according to the Hindu Religious, Customs and Rites at Sri Santhana Venugopala Swamy Temple, Thettu, Kurabalakota Mandal,

Chittoor District. Thereafter, due to some disputes, the petitioner lodged a complaint against the respondent and others and the same was registered as a case in Crime No.1075/2021 u/Sec.498-A R/w 34 IPC and Secs.3&4 of DP Act of Madanapalle Police Station. The petitioner also filed D.V.C.No.12 of 2022 on the file of the I Addl. Junior Civil Judge, Madanapalle and also filed M.C.No.16 of 2022 on the file of the Judicial Magistrate of First Class, Madanapalle against the respondent seeking maintenance. The above cases are pending at Madanapalle. As a counter-blast, the respondent filed HMOP No.6 of 2022 on the file of the Senior Civil Judge, Rayachoty seeking decree for divorce.

5) The learned counsel for the petitioner further submits that the petitioner has no independent source of income for her livelihood and solely depending upon her old aged parents. The petitioner being a woman without having financial support causing great hardship to travel all the way to Rayachoty from the Madanapalle in order to attend the case in H.M.O.P.No.6 of 2022 on each and every adjournment. Therefore, the petitioner prays to withdraw the said HMOP filed by the respondent from the file of Senior Civil Judge, Rayachoty and to transmit the same to the file of Principal Senior Civil Judge, Madanapalle.

6) Having heard the submissions of the learned counsel for the petitioner and upon perusal of the material available on record and as there is no resistance from the respondent against Transfer Civil Miscellaneous Petition, this Court is of the opinion that this is a fit case to transfer the HMOP No.6 of 2022 from the Senior Civil Judge, Rayachoty to the Principal Senior Civil Judge, Madanapalle, in the interest of justice.

7) In ***Rajani Kishor Pardeshi v Kishor Babulal Pardeshi***<sup>1</sup>, the Hon'ble Apex Court held that while going into the merits of a transfer application, Courts are required to give more weights and consideration to the convenience of the female litigants, and the Courts should desist from putting female litigants under undue hardships. Therefore, the convenience of the wife is to be preferred over the convenience of the husband.

8) Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the HMOP No.6 of 2022 on the file of the Senior Civil Judge, Rayachoty is hereby withdrawn and transferred to the file of the Principal Senior Civil Judge, Madanapalle. The learned Senior Civil Judge, Rayachoty shall transmit the entire record in H.M.O.P.No.6 of 2022 pending on

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<sup>1</sup> 2005(12) SCC 237

its file to the Court of the Principal Senior Civil Judge,  
Madanapalle, forthwith, by duly indexed.

9) There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any pending, shall  
stand closed.

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**JUSTICE BATTU DEVANAND**

Dt.26.07.2022.

Note: Issue CC tomorrow.

B/o  
PGR

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**Tr.C.M.P.No.197 of 2022**

Dt.26.07.2022

PGR