

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Tr.C.M.P.No.338 of 2017

ORDER:

This Transfer Civil Miscellaneous Petition, under Section 24 of Code of Civil Procedure 1908, is filed to withdraw F.C.O.P.No.30 of 2017 pending on the file of Family Court Judge-cum-XII Additional District Judge, Guntur and transfer the same to the file of Senior Civil Judge, Markapuram, Prakasam District.

2. Wife is the petitioner and she contended that she being the women is unable to undertake journey from Guntur to Markapuram and that she was subjected to harassment and facing life threat. The petitioner filed M.C.No.12 of 2017 before the Additional Junior Civil Judge, Giddaluri seeking maintenance to her and to her children and the same is pending for adjudication. The respondent filed the above O.P. making serious allegations against her at Guntur Court.

3. No doubt the distance between Guntur and Markapur is about 180 kms and it is difficult for her to undertake journey on every date of adjournment with her children. But that itself is not a ground to withdraw and transfer the case. The Apex Court in **Krishna Veni Nagam v. Harish Nagam**¹ framed the following guidelines:

"In matrimonial or custody matters or in proceedings between parties to a marriage or arising out of disputes between parties to a marriage, wherever the defendants/respondents are located outside the jurisdiction of the court, the court where proceedings are instituted, may examine whether it is in the interest of justice to incorporate any safeguards for ensuring that summoning of defendant/respondent does not result in denial of justice. Order incorporating such safeguards may be sent along with the summons. The safeguards can be:-

- i) Availability of video conferencing facility.
- ii) Availability of legal aid service.
- iii) Deposit of cost for travel, lodging and boarding in terms of Order XXV Code of Civil Procedure.

¹ AIR 2017 SC 1345

iv) *E-Mail address/phone number, if any, at which litigant from out station may communicate.”*

4. In view of above guidelines, inconvenience to undertake journey may not be a ground to withdraw and transfer O.P. from one Court to another and since she can be examined by video conference life threat and distance is not a matter. However, in view of difficulty expressed by the petitioner to undertake journey of 180 kilometers, the Family Court Judge-cum-XII Additional District Judge, Guntur, is directed not to insist the petitioner to appear on every date of adjournment, except on the dates where her presence is required. If no facility of video conference is available, when the petitioner's presence is required, the respondent may be directed to deposit travelling, lodging, boarding and other incidental expenses vide guideline No.2 and furnish other details like address etc. to contact the petitioner vide guideline No.3. On such deposit, the petitioner shall appear before the Court on the date when her presence is required for cross-examination or for any other purpose. This direction would meet the ends of justice to serve the purpose.

5. With the above direction, the Transfer Civil Miscellaneous Petition is disposed of.

Miscellaneous petitions, if any, pending in the criminal petition, shall stand closed.

M. SATYANARAYANA MURTHY J

Date: 07.06.2017

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