

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Tr.C.M.P.No.354 of 2017

ORDER:

This Transfer Civil Miscellaneous Petition, under Section 24 of Code of Civil Procedure 1908, is filed to withdraw O.P.No.856 of 2017 pending on the file of Family Court Judge, Ranga Reddy District at L.B.Bagar and transfer the same to the file of Family Court Judge, Nalgonda, Nalgonda District.

2. Wife is the petitioner and she contended that she being the women is unable to undertake journey from Nalgonda to Ranga Reddy Court at L.B.Nagar, Hyderabad with her child and that she is a private employee at Nalgonda. The respondent filed the above O.P. making serious allegations against her.

3. No doubt the distance between Nalgonda and L.B.Nagar at Hyderabad is about 100 kms and it is difficult for her to undertake journey on every date of adjournment with her child. But that itself is not a ground to withdraw and **transfer** the case. The Apex Court in

Krishna Veni Nagam v. Harish Nagam¹ 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.*
- iv) E-Mail address/phone number, if any, at which litigant from out station may communicate.”*

¹ AIR 2017 SC 1345

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 distance is not a matter. However, in view of difficulty expressed by the petitioner to undertake journey of 100 kilometers, the Family Court Judge, L.B.Nagar, Hyderabad, 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: 08.06.2017
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