

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TR.C.M.P.NO.393 OF 2017

ORDER:

This Transfer Civil Miscellaneous Petition, under Section 24 of Code of Civil Procedure 1908, is filed to withdraw O.P.No.28 of 2017 on the file of Senior Civil Judge, Huzurnagar and transfer the same to the file of Judge, Family Court/District Court at Sanga Reddy, Medak District, on the ground that the petitioner is staying at BHEL Township, Ramachandrapuram along with her parents and son, who is a school going child, thereby it is difficult for her to undertake journey of more than 200 KMs., on every date of hearing and that she has no means to maintain herself.

2. Heard learned counsel for the petitioner at the stage of admission.

3. The petitioner is wife of the respondent. The respondent herein filed the aforesaid O.P., under Section 13 (i) (ia) (b) of the Hindu Marriage Act, 1955 for dissolution of marriage.

4. The grounds urged by the petitioner are no more available for withdrawal and transfer of the cases from one Court to another, in view of the judgment in **Krishna Veni Nagam v. Harish Nagam**¹, wherein the Apex Court at para No.18 held as follows:

“18. We, therefore, direct that 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

¹ AIR 2017 SC 1345

whether it is in the interest of justice to incorporate any safeguards for ensuring that summoning of Defendnats/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.”

As per the guidelines laid down by the Apex Court, it implies that petitioner can be examined by video conferencing while staying at Hyderabad. In case no video conferencing facility is available, the husband shall be insisted to deposit costs of travelling, lodging and boarding in terms of Order XXV CPC while directing the husband to furnish e-mail address/phone number, if any, at which the litigant from outstation. On such deposit, the petitioner shall appear before the trial Court for the purpose of cross-examination or for any other purpose as directed by the Court.

5. In view of the above, the Senior Civil Judge, Huzurnagar, Nalgonda District, is requested not to insist for presence of the petitioner on every date of adjournment and on the date when her presence is required for cross-examination by the respondent's counsel or for any other purpose as long as the counsel representing her, prosecuting the case before the Court. However, this direction sh0all not preclude the trial Court from passing any order, in accordance with law, in the event the counsel failed to represent or prosecute the proceedings on her behalf. The Senior

Civil Judge, Huzurnagar, Nalgonda District, is bound to adhere to the guidelines issued by the Apex Court in the case referred supra.

6. With the above direction, the Transfer Civil Miscellaneous Petition is disposed of. Miscellaneous petitions, if any, pending in this petition shall stand closed. There shall be no order as to costs.

M. SATYANARAYANA MURTHY, J

JUNE 21, 2017
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THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY



TR.C.M.P.NO.393 OF 2017

Date: 21.06.2017

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