

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

TRANSFER C.M.P.No.433 OF 2017

ORDER:

This petition is filed to withdraw H.M.O.P.No.19 of 2017 pending on the file of the I Senior Civil Judge, Guntur and to transfer the same to the Judge, Family Court, Ranga Reddy District on the ground that she is unable to perform journey from Hyderabad to Guntur.

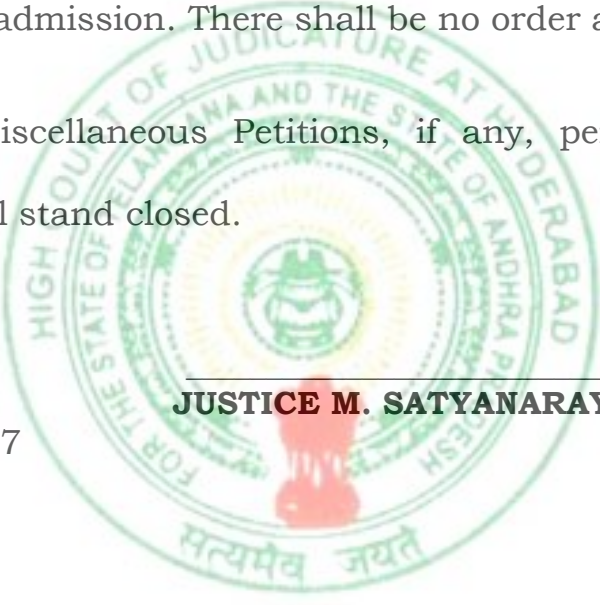
The only ground is that inability to perform journey from Hyderabad to Guntur but H.M.O.P. pending before the Court is purely civil in nature and appearance of the petitioner is not necessary on every date of adjournment. At best her presence is required when her cross-examination is required to be recorded or for any other specific purpose when the Court directed her to appear before the Court, as long as her counsel is representing her case and prosecuting the case on her behalf. Therefore, her inability to perform journey is not a ground to withdraw and transfer the matter.

In view of the facts and circumstances stated above, the I Senior Civil Judge, Guntur is requested not to insist the appearance of the petitioner herein on every date of adjournment as long as her counsel representing her and prosecuting the proceedings on her behalf, record her cross-examination by videoconference, if not available, the

respondent be directed to deposit traveling, boarding and lodging expenses in terms of Order XXV of Code of Civil Procedure and on such deposit the petitioner shall appear before the Court and depose. This direction does not preclude the I Senior Civil Judge, Guntur to pass any order against the petitioner in the event of her counsel failed to represent and prosecute the proceedings, in accordance with law.

With the above direction, the petition is disposed of at the stage of admission. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this petition shall stand closed.



JUSTICE M. SATYANARAYANA MURTHY

July 12, 2017

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