

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Tr.C.M.P.No.461 of 2017

ORDER

This petition under Section 24 of CPC is filed by petitioner-wife to withdraw O.P.No.42 of 2017 pending on the file of the Senior Civil Judge, Mancherial, Adilabad District, and transfer the same to the Judge, Family Court, Ranga Reddy District at Malkajgiri, on the ground that the petitioner is staying with her mother and is unable to meet the expenses of travelling, boarding and lodging to attend the Court at Mancherial and she has no male assistant to perform journey covering distance more than 400 kms on every date of adjournment along with the child and that a criminal case in Cr.No.271 of 2017 for the offences punishable under Section 498-A IPC and under Sections 3 and 4 of Dowry Prohibition Act, filed against the respondent and his parents, is pending on the file of Malkajgiri Police Station, Rachakonda, and therefore, she requested this Court to withdraw and transfer the petition.

2. The first and foremost contention of petitioner is that she is staying with her mother at Hyderabad and she has no male assistant to perform journey covering distance more than 400 kms. Undisputedly, it is difficult task for a woman to undertake journey to appear before the Senior Civil Judge, Mancherial, Adilabad District, on every date of adjournment. Her appearance can be dispensed with by passing appropriate order. Insofar as lack of means to meet the expenses of travelling, boarding and lodging is concerned, the

respondent shall be directed to pay the costs for travelling, boarding and lodging in terms of Order XXV CPC.

3. Pendency of a crime at Malkajgiri Police Station, is not a ground to withdraw and to transfer the case. Therefore, these grounds are not sufficient to withdraw and transfer the pending petition.

4. Taking into consideration, the difficulty of petitioner being a woman to perform journey and inability to meet the expenses of traveling, boarding and lodging, I deem it appropriate to direct the Senior Civil Judge, Mancherial, Adilabad District, not to insist the appearance of petitioner on every date of adjournment, except on the dates when her presence is required for recording her cross-examination as long as she is represented by her counsel and prosecuting the case on her behalf or on any other day when her presence is required for any specific purpose subject to compliance of Order XXV of CPC. This direction does not preclude the Senior Civil Judge, Mancherial, Adilabad District, to pass any order in accordance with law, in the event, she is not represented by her counsel and prosecuting the case.

5. With the above direction, the Transfer Civil Miscellaneous Petition is disposed of. No order as to costs. Miscellaneous petitioners, if any, pending in the petition shall stand closed.

M. SATYANARAYANA MURTHY, J

21st July, 2017
sj