

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

TRANSFER C.M.P.No.443 OF 2017

ORDER:

This petition is filed to withdraw O.P.No.105 of 2016 pending on the file of Judge, Family Court, Nizamabad, and to transfer the same to the Judge, Family Court, City Civil Courts at Hyderabad, on the ground that the petitioner is an employee working as Assistant Manager, Andhra Bank, Secunderabad Zone and it is difficult for her to get a leave on every date of appearance before the Court.

The only ground raised by the petitioner before this Court is that she is an employee working as Assistant Manager, Andhra Bank, Secunderabad Zone and unable to get leave on every date of adjournment. O.P. pending before the Judge, Family Court, Nizamabad is only a matter of civil in nature purely and her appearance on every date of adjournment is not required. 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. Even otherwise her cross-examination can be recorded by videoconference and if such facility is not available, she can

apply for appointment of an Advocate Commissioner to record her cross-examination or appear before the Court for recording her cross-examination on Second Saturday since the Family Courts are being held on Second Saturday's also for conducting trials.

In view of the difficulty expressed by the petitioner, her appearance before the Judge, Family Court, Nizamabad, on every date of adjournment may dispensed with, as long as she is being represented by her counsel and her counsel prosecuting the proceedings on her behalf except on the day when her cross-examination is required to be recorded by the Court, and on any day when specifically directed by the Court.

In view of the facts and circumstances stated above, the Judge, Family Court, Nizamabad 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 and record her cross-examination by videoconference, if not available, consider her request for appointment of an Advocate Commissioner to record her cross-examination or permit her to appear before the Court for recording her cross-examination on Second Saturday since the Family Courts are

being held on Second Saturday's also for conducting trials. This direction does not preclude the Judge, Family Court, Nizamabad to pass any order against the petitioner in the event of her counsel failed to represent and prosecute the proceedings, in accordance with law.

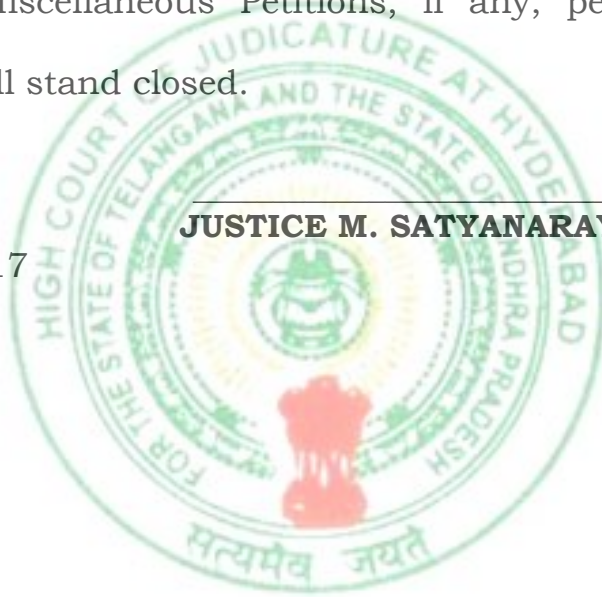
With the above direction, the petition is disposed of at the stage of admission. There shall be no order as to costs.

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

JUSTICE M. SATYANARAYANA MURTHY

July 14, 2017

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