

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Tr.C.M.P.No. 483 OF 2017

ORDER:

This transfer petition is filed under Section 24 of CPC to withdraw OP No.129 of 2016 pending on the file of the Judge, Senior Civil Judge, Proddatur, Kadapa District and transfer the same to the Court of Senior Civil Judge, Anantapur, on the ground that the petitioner is unable to perform journey covering distance of more than 200 kms. from Anantapur to Proddatur, Kadapa District and she is suffering from spondylitis, apart from that, the petitioner is facing threat in the hands of the respondent to accept for divorce, whenever she attended the court at Proddatur.

2. The first ground urged is that she is suffering from ill-health and unable to perform journey the petitioner produced medical record to show that she is suffering from spondylitis. But, she is not required to appear before the Court of Senior Civil Judge, at Proddatur on every date of adjournment since it is a matter of civil nature governed by C.P.C. Therefore, her appearance on every date of adjournment is not imperative and at best, she is required to appear before the Court only for recording her cross examination in case no video conference is available. Hence, it is not a ground to withdraw and transfer the case.

3. The second ground is that she is facing life threat in the hands of the respondent, but she did not substantiate the same and no specific instance is mentioned and no complaint was given against the respondent having jurisdiction over the area whenever she was subjected to such threat and even did not complain to the Presiding Officer of the Court about the threat faced in the hands of the respondent whenever she attended the court in connection with the above O.P. In the absence

of any material on record, based on such allegation, O.P.No.129 of 2016 pending on the file of the Senior Civil Judge, Proddatur cannot be withdrawn and transferred. Further, if really, the petitioner is facing such threat, in the event she gave any complaint to the Presiding Officer of the Court, the Presiding Officer is directed to provide necessary police protection whenever she attends the Court on the date of hearing.

4. With the above direction, the Tr.CMP is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in the revision petition shall stand closed.

DATE: 28-07-2017
ccm



M. SATYANARAYANA MURTHY, J

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