

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY
TRANSFER CIVIL MISCELLANEOUS PETITION NO.660 OF 2016

ORDER:

This Transfer Civil Miscellaneous Petition, under Section 24 of Code of Civil Procedure 1908, is filed to withdraw O.P.No.1628 of 2015 on the file of Judge, Family Court, Ranga Reddy District at Malkajgiri and transfer the same to any Family Court at Vijayawada on the ground that the petitioner is residing at Vijayawada along with her old age parents and she cannot undertake journey covering distance of 270 kilometres to attend the Court at Ranga Reddy District.

2. During hearing, learned counsel for the respondent submits that the respondent is ready to pay the travel, lodging and boarding expenses whenever the petitioner attends the Court at Ranga Reddy District in connection with O.P.No.1628 of 2015.

3. No doubt, the petitioner is aged about 43 years. Being a woman, it is difficult for her to undertake journey on every date of adjournment. But that by itself is not a ground to withdraw and transfer the case, since the *forum non conveniens* based on the principle laid down in **Modi Entertainment Network and another v. W.S.G. Cricket Pte.Ltd**¹ is not a ground in view of latest Judgment of the Hon'ble Apex Court in **Krishna Veni Nagam v. Harish Nagam**², where the Hon'ble Apex Court issued certain guidelines to the Judges, which reads thus:

“Spirit behind the orders of this Court in
allowing the transfer petitions filed by wives being

¹ (2003) 4 SCC 341

² AIR 2017 SC 1345

almost mechanically allowing is that they are not denied justice on account of their inability to participate in proceedings instituted at a different place on account of difficulty either on account of financial or physical hardship. Our Constitutional scheme provides for guaranteeing equal access to justice, power of the State to make special provisions for women and children and duty to uphold the dignity of women. Various steps have been taken in this direction. However, the Apex Court also issued certain directions in para 18 of its judgment, which read thus:

- 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.”

In view of above guidelines, inconvenience to undertake journey may not be a ground to withdraw and transfer O.P.No.1628 of 2015 from one Court to another and at best the witness can be examined by video conference. However, in view of difficulty expressed by the petitioner to undertake journey of 270 kilometres, Judge, Family Court, Ranga Reddy District, Malkajgiri, is directed not to insist the petitioner to appear on every date of adjournment, except on the dates where her presence is required, more particularly when the petitioner is required to be cross-examined by the counsel for the respondent (counsel for the petitioner in O.P.) in the Court. This direction would meet the ends of justice to serve the purpose. Hence, I find no reason to withdraw O.P. However, following the guidelines issued by the Hon'ble Apex Court in **Krishna Veni's case** (supra), the respondent is directed to

deposit costs of travel, lodging and boarding expenses and on such deposit, the petitioner shall appear before the Court on the date when her presence is required for cross-examination or the Presiding Officer may record cross-examination of a witness by video conference, if necessary.

4. 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.

JUNE 02, 2017
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M. SATYANARAYANA MURTHY, J



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Date: 02.06.2017

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