

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRCMP NO. 420 OF 2017

ORDER:

This revision petition is filed under Section 24 of CPC to withdraw OP No.1433 of 2016 pending on the file of the Judge, Family Court, City Civil Court, at Hyderabad and to transfer the same to the Court of the Senior Civil Judge, at Proddatur, Kadapa District on two grounds; the first ground is that the petitioner and the respondent were blessed with a child aged about 4 years and that she has no means to undertake journey and appear before the court and therefore expressed her inability to attend the court before the Judge, Family Court, City Civil Court, at Hyderabad for undertaking journey more than 300 Kms.

The petitioner is admittedly residing at Proddatur with her parents at Yerraguntla, Proddatur which is in the jurisdiction of Proddatur court, after she was driven out from the house by the respondent. It is difficult task for a lady to perform journey on each and every date of adjournment covering more than 300 Kms. distance. It is stated that it is possible for the petitioner to attend the court on the date when her cross-examination is to be recorded or any other specific purpose, as directed by the Judge, Family Court, but not on all dates of adjournment as long as she is represented by her counsel and prosecuting the proceedings on her behalf by the counsel. But, the difficulty is that she is unable to perform journey while taking care of 4 years old child. As discussed above, her presence is not required on all dates of adjournment. Further more, in the recent judgment, the Apex Court gave directions to print on the reverse of the summons about the availability of video conference directing to deposit the expenses for travelling, lodging and boarding in terms of the Order XXV CPC. Therefore, if really she is suffering from lack of means to perform journey, the respondent shall be directed to deposit travelling,

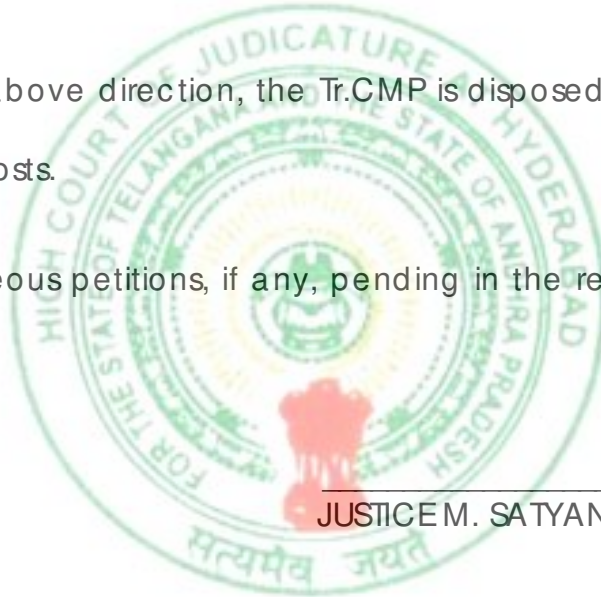
lodging and boarding expenses in terms of Order XXV CPC when her appearance is required before the Judge, Family Court or otherwise her cross-examination can be recorded by video conference. Therefore, none of the grounds urged in the petition are not sufficient to withdraw and transfer the petition. However, the Judge, Family Court, CCC Hyderabad is requested not to insist her presence on each and every date of adjournment, except, on the date of her cross-examination, or for any other specific purpose and this direction does not preclude the Judge, Family Court to pass appropriate orders in accordance with law in the event of her counsel's failure to represent and prosecute the proceedings.

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:06.07.2017
ccm

JUSTICE M. SATYANARAYANA MURTHY



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