

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRANSFER CIVIL MISCELLANEOUS PETITION No.449 OF 2017

ORDER:

This transfer civil miscellaneous petition, under Section 24 of the Code of Civil Procedure, 1908 (for short 'CPC'), is filed to withdraw O.P. No.45 of 2016 pending on the file of the Judge, Additional Family Court, City Civil Court, Hyderabad, and transfer the same to the Judge, Family Court, Visakhapatnam, on the sole ground that she was transferred from Hyderabad to Visakhapatnam, being an employee of State Bank of India and she is facing difficulty to undertake journey to appear before the Judge, Additional Family Court, City Civil Court, Hyderabad, as there is no possibility of getting any kind of leave.

Undoubtedly, by the date of filing the O.P. she was working at Hyderabad and the petition was filed at Hyderabad, where both the petitioner and respondent lived together as wife and husband lastly, which gave rise to the cause of action. Later, she was transferred from Hyderabad to Visakhapatnam. The matter cannot be transferred along with the person who is an employee and if she finds difficulty to obtain any kind of leave, she can appear before the Judge, Additional Family Court, City Civil Court, Hyderabad, on second Saturday. On her appearance, the court can record her cross-examination.

Therefore, I find no ground to withdraw O.P. No.45 of 2016 pending before the Judge, Additional Family Court, City Civil Court, Hyderabad, and transfer the same to the Judge, Family Court Visakhapatnam.

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In the result, the transfer civil miscellaneous petition is dismissed. No costs.

Miscellaneous petition, if any, pending in the transfer civil miscellaneous petition shall stand closed.

M.SATYANARAYANA MURTHY, J

17.07.2017
BV

