

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Tr.C.M.P.No.460 of 2017

ORDER

This petition under Section 24 of CPC is filed by petitioner-wife to withdraw HMOP No.770 of 2017 pending on the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar, and transfer the same to the Judge, Family Court-cum-Additional District Judge, Guntur, on the ground that the petitioner is staying with her parents and is unable to meet the expenses of travelling, boarding and lodging to attend the Court at Hyderabad and she has no male assistant to perform journey covering distance more than 400 kms on every date of adjournment along with the children.

2. The contention of petitioner is that she is staying with her parents and she has no male assistant to perform journey covering distance more than 400 kms. Undisputedly, it is difficult task for a woman to undertake journey to appear before the Judge, Family Court, Ranga Reddy District at L.B.Nagar, on every date of adjournment. Her appearance can be dispensed with by passing appropriate order. Insofar as lack of means to meet the expenses of travelling, boarding and lodging is concerned, the respondent shall be directed to pay costs for travelling, boarding and lodging in terms of Order XXV CPC. Therefore, these grounds are not sufficient to withdraw and transfer the pending petition.

3. Taking into consideration the difficulty of petitioner being a woman to perform journey and inability to meet the expenses of

traveling, boarding and lodging, I deem it appropriate to direct the Judge, Family Court, Ranga Reddy District at L.B.Nagar, not to insist the appearance of petitioner on every date of adjournment, except on the dates when her presence is required for recording her cross-examination as long as she is represented by her counsel and prosecuting the case on her behalf or on any other day when her presence is required for any specific purpose subject to compliance of Order XXV of CPC. This direction does not preclude the Judge, Family Court, Ranga Reddy District at L.B.Nagar, to pass any order in accordance with law, in the event, she is not represented by her counsel and prosecuting the case.

4. With the above direction, the Transfer Civil Miscellaneous Petition is disposed of. No order as to costs. Miscellaneous petitioners, if any, pending in the petition shall stand closed.

21st July, 2017
sj

M. SATYANARAYANA MURTHY, J