

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY
TRANSFER CIVIL MISCELLANEOUS PETITION NO.378 OF 2017

ORDER:

This Transfer Civil Miscellaneous Petition, under Section 24 of Code of Civil Procedure 1908, is filed to withdraw O.P.No.70 of 2016 on the file of Senior Civil Judge's Court, Sangareddy and to transfer the same to the Senior Civil Judge's Court, Secunderabad, on the ground that there is a life threat in the hands of respondent No.1 whenever she attends the Court.

2. Heard learned counsel for the petitioner at the stage of admission.

3. The petitioner is the permanent resident of Medak District but now she is staying in the hostel as Ph.D., (Research Scholar), Osmania University. The contention of the petitioner is that she is facing life threat in the hands of respondent No.1, but no material is produced to show that she is facing any such situation and no complaint was lodged either to the police or to the presiding officer whenever she attended the Court. However, if really she is facing life threat, she is permitted to lodge a complaint to the police or to the presiding officer of the Court and on receipt of such complaint regarding life threat, the Senior Civil Judge, Sangareddy is directed to provide necessary police protection to the petitioner whenever she attends the Court in connection with the above O.P. subject to bearing expenses by the petitioner. Moreover, in view of the law declared by the Apex Court in **Krishna Veni Nagam v. Harish Nagam**¹, she need not even attend to the Court for recording her

¹ AIR 2017 SC 1345

cross-examination. In the said case, 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 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 the above guidelines, the inconvenience for the petitioner is not a ground is not a ground to withdraw and transfer O.P.No.70 of 2016 from one Court to another and at best, the witness can be examined by video conference. However, in view of the difficulty expressed by the petitioner, the Senior Civil Judge, Sangareddy is directed not to insist the petitioner to appear on every date of adjournment, except on the dates when her presence is required, more particularly when the petitioner is required to be cross-examined by the counsel for the respondents. This direction would meet the ends of justice and serve the purpose.

4. In view of the law declared by the Apex Court in **Krishna Veni Nagam's** case (referred supra), the Senior Civil Judge, Sangareddy, is directed to follow the guidelines issued in the said case and permit the counsel for the respondents to cross-examine the petitioner and witness on her behalf by video conference and in case, video conference is not available, the Senior Civil Judge, Sangareddy shall direct respondent No.1 to deposit costs of travelling, boarding, lodging and other incidental expenses to the credit of O.P. and on such deposit, the petitioner shall appear before the Court on the date when her presence is required for cross-examination or any other purpose.

5. With the above direction, the Transfer Civil Miscellaneous Petition is disposed of. There shall be no order as to costs.

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

M. SATYANARAYANA MURTHY, J

JUNE 13, 2017

ssp