

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Tr.C.M.P.No.440 of 2017

ORDER

This petition under Section 24 of CPC is filed by petitioner-wife to withdraw FCOP No.35 of 2017 on the file of Additional Family Court, Ranga Reddy District at Miyapur and transfer the same to the Additional Family Court, Ranga Reddy District at Malkajgiri, on the ground that it is difficult for her to perform journey covering distance of 25 kms on the dates of adjournment and she is also facing life threat to appear before the Court at Miyapur.

2. Admittedly, the distance between Malkajgiri and Miyaur is less than 25 kms and hardly she may not require more than one hour and even otherwise, she is not required to appear before the Court on every date of adjournment. Therefore, the distance will not come in the way of her appearance before the Court on the dates of adjournment. More over, the other contention raised before this Court is that she is facing life threat, but the petition is silent as to the dates when she faced life threat and no material is placed before this Court, except the complaint dated 31.01.2017, which is prior to filing of this petition. Therefore, there are no grounds to withdraw and transfer the petition. However, in case she is facing any such threat either to the person or to the property, she may make a complaint to the Presiding Officer of the Court where the OP is pending or the SHO having jurisdiction. On such complaint, the Presiding Officer of the Court is requested to provide necessary protection whenever she attends the Court in connection with petition. However, the Judge, Additional Family Court, Ranga Reddy

District, Miyapur, is directed 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. This direction does not preclude the Judge, Additional Family Court, Ranga Reddy District, Miyapur, 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.

13th July, 2017
sj

M. SATYANARAYANA MURTHY, J

