

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY
TRANSFER CIVIL MISCELLANEOUS PETITION NO.464 OF 2017

ORDER:

This Transfer Civil Miscellaneous Petition, under Section 24 of Code of Civil Procedure 1908, is filed to withdraw O.P.No.52 of 2017 pending on the file of Senior Civil Judge, Siddipet and to transfer the same to the file of Family Court, Adilabad on the following grounds:

- (i) that the petitioner is working as a Government servant at Adilabad and it is difficult for her to undertake journey from Adilabad to Siddipet, which is more than 300 kilometres, to appear before the Court on all dates of adjournments;
2. Heard learned counsel for the petitioner.
3. The first and foremost ground is that the petitioner is unable to undertake journey covering distance of more than 300 kilometres on every date of adjournment. No doubt, it is difficult for a woman to undertake journey on every date of adjournment. But that by itself is not a ground to withdraw and transfer the case in view of the latest Judgment of the Hon'ble Apex Court in **Krishna Veni Nagam v. Harish Nagam**¹, wherein 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

¹ AIR 2017 SC 1345

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.”

The above guidelines indirectly indicates that inconvenience for the petitioner to undertake journey may not be a ground to withdraw and transfer the said O.P. 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, Siddipet, is directed not to insist the petitioner to appear on every date of adjournment as long as her counsel representing her and prosecuting her case on her behalf except on the dates when her cross-examination is required to be recorded or any other specific purpose as directed by the Court. This direction does not preclude the Court from passing any order in accordance with law against the petitioner in the event of failure of her counsel to represent and prosecute the case on her behalf.

4. 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

JULY 24, 2017

ssp