

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRANSFER CIVIL MISCELLANEOUS PETITION No.13 OF 2018

ORDER:

This petition, under Section 24 of the Code of Civil Procedure, 1908, is filed to withdraw H.M.O.P.No.171 of 2017, pending on the file of the learned III Additional Senior Civil Judge (III FTC), Warangal at Narsampet and transfer the same to the file of the learned Additional Family Judge, Miyapur.

Petitioner herein is the wife and the respondent is the husband. The husband-respondent herein filed H.M.O.P.No.171 of 2017, under Section 13 (1) (ia) (ib) of the Hindu Marriage Act, 1955, seeking decree for dissolution of marriage, on the file of the III Additional Senior Civil Judge (III FTC), Warangal at Narsampet.

The main ground urged before this Court is that the petitioner herein is aged about 57 years, suffering from severe backache and sometimes she is unable to even walk and that she is also suffering from Type-II Diabetes, undergoing treatment for the past eight years, and she has no income to maintain herself and totally depending on her son, who is working at Hyderabad. That apart, the petitioner herein is unable to undertake journey, covering distance of more than 200 Kms without male assistance, to appear before the learned III Additional Senior Civil Judge (III FTC), Warangal at

Narsampet on every date of adjournment having no means to maintain herself. However, none of these grounds are sufficient to withdraw and transfer H.M.O.P.No.171 of 2017, pending on the file of the learned III Additional Senior Civil Judge, Warangal at Narsampet, and at best her appearance can be dispensed with on every date of adjournment except on the dates whenever her personal appearance is required before the Court or whenever the Court directs her to appear before the Court in connection with the above H.M.O.P.

In any view of the matter, the inconvenience expressed by the petitioner herein before this Court is one of the considerations but, when her presence is not required on every date of adjournment, the only difficulty is to meet the travelling expenses. Therefore, the respondent is directed to pay the travelling expenses and other incidental expenses, as fixed by the learned III Additional Senior Civil Judge (III FTC), Warangal at Narsampet, to the petitioner herein whenever she attends the Court in connection with the above H.M.O.P. The learned III Additional Senior Civil Judge (III FTC), Warangal at Narsampet is directed not to insist the petitioner's appearance on every date of adjournment, except on the dates where her presence is required, more particularly when the petitioner is required to be cross-examined by the counsel for the respondent.

With the above direction, this petition is disposed of.
Miscellaneous petitions pending, if any, shall stand closed.
There shall be no order as to costs.

M.SATYANARAYANA MURTHY,J

18th January, 2018.
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