

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRANSFER CIVIL MISCELLANEOUS PETITION No.12 OF 2018

ORDER:

This petition, under Section 24 of the Code of Civil Procedure, 1908, is filed to withdraw O.P.No.130 of 2017, pending on the file of the learned I Senior Civil Judge, Rajamundry and transfer the same to the file of the learned Senior Civil Judge, SPSR Nellore District.

Petitioner herein is the wife and the respondent is the husband. The husband-respondent herein filed O.P.No.130 of 2017 on the file of the Senior Civil Judge, Rajamundry seeking divorce, but copy of the said petition is not placed on record for perusal of this Court to find out on what ground the decree of divorce, dissolving the marriage, was sought for. However, based on the summons issued by the learned Senior Civil Judge, Rajamundry in O.P.No.130 of 2017, the present petition is filed for withdrawal and transfer under Section 24 CPC.

The main ground urged before this Court is that Maintenance Case-M.C.No.57 of 2017 is pending on the file of the learned Family Judge-cum-VI Additional District Judge, SPSR Nellore and the respondent is attending the Court on every date of adjournment in connection with the said Maintenance Case. That apart, the petitioner herein is unable to undertake journey, covering distance of 343 Kms, to

appear before the learned Senior Civil Judge, Rajahmundry on every date of adjournment having no means to maintain herself. However, none of these grounds are sufficient to withdraw and transfer O.P.No.130 of 2017 pending on the file of the learned I Senior Civil Judge, Rajahmundry 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 O.P.

In any view of the matter, the inconvenience expressed by the petitioner 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 Senior Civil Judge, Rajahmundry, to the petitioner whenever she attends the Court in connection with the above O.P. The learned I Senior Civil Judge, Rajahmundry 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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