

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Tr.C.M.P.No.50 of 2018

ORDER.

This Petition is filed under Section-24 of the Code of Civil Procedure to withdraw OP.No.45 of 2011 pending on the file of the Additional Senior Civil Judge, Ongole and transfer the same to the Judge, Family Court, Visakhapatnam, on the ground that the petitioner is not in a position to attend before the Court at Ongole in connection with the above OP, as the distance between these two places is more than 560 kms and that she has no male assistance to accompany her to the said Court.

The only contention urged by the learned counsel for the petitioner is that the petitioner apprehends that the respondent may obtain orders in said OP in her absence, as she could not travel the distance covering 560 kms from Visakhapatnam to Ongole to attend before the Court of Additional Senior Civil Judge, Ongole, on every date of adjournment without any male assistance.

In my view, this difficulty can be set at naught by directing the Additional Senior Civil Judge, Ongole not to insist for appearance of the petitioner on every date of adjournment except on the day when her appearance is required for reconciliation proceedings or on the day, when she was

specially directed to appear before the Court, subject to the respondent paying travelling and other incidental expenses like food, shelter, etc., both to the petitioner and the person who accompanies her to attend the Court in connection with the above case as long as the counsel is representing her in the above OP. In case, the counsel does not represent the petitioner before the Court in the said O.P., the learned Judge is not precluded from passing any order in accordance with law. Therefore, in view of directions issued, the distance is not a matter of difficulty for the petitioner. Hence, I find no grounds to allow this Petition.

However, the learned Additional Senior Civil Judge, Ongole, is directed not to insist for appearance of the petitioner on every date of adjournment except on the day when her appearance is required for reconciliation proceedings or on the day when she was specially directed to appear before the Court, subject to the respondent paying travelling and other incidental expenses like food, shelter, etc., both to the petitioner and the person who accompanies her to attend the Court in connection with the above OP, as long as the counsel is representing her in the said case. In case, the counsel does not represent the petitioner in the said OP., the learned Judge, is not precluded from passing any orders in accordance with law

Subject to the above directions and observations, the
Petition is disposed of.

As a sequel, the Miscellaneous Petitions, if any, pending
shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

05th February 2018

DR

