

The Hon'ble Sri Justice M.Satyanarayana Murthy

Transfer CMP.No.25 of 2018

Order:

This Transfer CMP is filed by the petitioner under Section 24 of the Code of Civil Procedure, 1908 (for short 'the CPC') to withdraw OP.No.1019 of 2017, from the file of the Family Court at Vijayawada, and transfer the same to the file of the Family Court, Ranga Reddy District at L.B.Nagar.

The case of the petitioner is that her marriage with the respondent took place at Hyderabad; that after marriage, both of them lived at Bangalore; that due to the irresistible behaviour of the respondent, she has been residing at Hyderabad and that though no cause of action arose within the jurisdictional limits of Vijayawada, the respondent has filed the OP under Section 13 (1) (ia) of the Hindu Marriage Act, 1955, in the Family Court at Vijayawada.

The other ground raised by her is that she is dependant upon her parents and that there is no male support to accompany her to the Court at Vijayawada in connection with the above OP. In order to avoid such inconvenience, she sought for withdrawal of OP.No.1019 of 2017 from the file of the Family Court at Vijayawada and transfer the same to the file of the Family Court, Ranga Reddy District at L.B.Nagar.

At the hearing, the learned Counsel for the petitioner submitted that it is difficult for the petitioner to appear before the Court on the dates of adjournment without any male assistance. He requested that the inconvenience of the petitioner be taken into consideration and the OP be withdrawn and transferred to the file of the Family Court, Ranga Reddy District at L.B.Nagar.

The first ground urged by the petitioner is that no cause of action arose within the jurisdictional limits of Vijayawada. This is a question of fact to be decided only after trial and if, for any reason, the Family Court at Vijayawada, finds that no cause of action arose within its jurisdictional limits, it will pass appropriate order for returning the petition due to lack of territorial jurisdiction. Hence, such a question cannot be decided at this stage.

The other ground urged by the petitioner is regarding her inconvenience to appear before the Family Court at Vijayawada without any male assistance. Undoubtedly, the petitioner is now dependent upon her parents at Hyderabad. She has to bear the travelling and other incidental expenses for appearing before the Family Court at Vijayawada in connection with the above OP, which she cannot afford. The respondent is stated to be earning. Therefore, whenever the petitioner's appearance is required

before the Court, the respondent shall pay the travelling and other incidental expenses both to the petitioner as well as the person, who accompanies her to the Family Court at Vijayawada whenever she appears in connection with the above OP. The Judge, Family Court, Vijayawada, is directed not to insist appearance of the petitioner on each and every date of adjournment so long as she is represented by the Counsel. However, this order will not preclude the Judge, Family Court at Vijayawada, from passing any order in accordance with law in case the petitioner's Counsel does not represent the case on her behalf and the petitioner fails to appear before the Court.

With the above direction, the Transfer CMP is disposed of.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

Dt: 24th January, 2018
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(M. Satyanarayana Murthy, J)