

The Hon'ble Sri Justice M.Satyanarayana Murthy

Transfer CMP.No.26 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.328 of 2017, from the file of the III Additional Senior Civil Judge's Court, Kakinada, East Godavari District, and transfer the same to the file of the Judge, Family Court at Kurnool.

The case of the petitioner is that she along with her two children are residing at Kodumuru Village of Kurnool District at her parents' house and that it is inconvenient to her to appear before the Court at Kakinada. The main ground urged by her is that there is no direct transportation facility from Kurnool to Kakinada covering the distance of 500 kms. 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 Kakinada in connection with the above OP. In order to avoid such inconvenience, she sought for withdrawal of OP.No.328 of 2017 filed under Section 13 (1) (ia) and (ib) of the Hindu Marriage Act, 1955, from the file of the III Additional Senior Civil Judge's Court at Kakinada and transfer the same to the file of the Judge, Family Court at Kurnool.

At the hearing, the learned Counsel for the petitioner submitted that the aforesaid OP was filed for grant of divorce; that there is no direct transportation facility between Kurnool and Kakinada; and that it is difficult for the petitioner, who has to take care of two small children, to appear before the Court on the dates of adjournment without any male assistance. She requested that the inconvenience of the petitioner be taken into consideration and the OP be withdrawn and transferred to the file of the Family Court at Kurnool.

The first ground urged by the petitioner is that there is no direct transport facility between Kurnool and Kakinada. No doubt, the petitioner has been staying with her parents at Kurnool District since the date of her separation from the respondent. Samalkot is 15 kilometers away from Kakinada and it is a railway junction. There is an express train by name Prasanthi Express, passing through Samalkot Junction to Puttaparthi and Bangalore, which passes through Kurnool. Therefore, the contention of the petitioner that there is no direct transport facility between the aforesaid two places is not correct.

The other ground urged by the petitioner is regarding her inconvenience to appear before the Court without any male assistance. Undoubtedly, the petitioner is now dependent upon her parents at Kurnool. She has to bear the travelling and other

incidental expenses for appearing before the Court at Kakinada in connection with the above OP, which she cannot afford. The respondent is stated to be a Police personnel at Kakinada. Therefore, the respondent is directed to pay the travelling and other incidental expenses to the petitioner as well as the person, who accompanies her to the III Additional Senior Civil Judge's Court at Kakinada whenever she appeared in connection with the above OP. The III Additional Senior Civil Judge at Kakinada, 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. This order will not preclude the III Additional Senior Civil Judge, Kakinada, 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)