

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRANSFER C.M.P.No. 44 OF 2018

ORDER:

This transfer civil miscellaneous petition under Section 24 of the Code of Civil Procedure (for short, 'C.P.C.') is filed to withdraw H.M.OP.No.67 of 2017, pending on the file of Senior Civil Judge, Pithapuram and transfer the same to the Judge, Family Court, Visakhapatnam on the ground that the power of attorney holder of the petitioner, who being senior citizen is unable to attend the Court at Pithapuram on the dates of adjournment in connection with HMOP.

It is a strange case where the wife and husband are staying at Landon and prosecuting their employment. The husband filed petition under Section 13(i)(ia) of the Hindu Marriage Act for dissolution of Marriage granting decree of divorce and whereas the petitioner while working at London, without come down to India, lodged a report against the respondent for the offence punishable under Section 498-A IPC, which is pending for investigation. Though the petitioner and respondent are staying at Landon and the petitioner expressed her inconvenience to appear before the Court through her power of attorney holder i.e. father, she can appoint any able person to undertake journey or who is staying at Pithapuram to represent her. By appointing old man as a power of attorney holder to represent the petitioner, cannot seek relief under

Section 24 C.P.C. Therefore, I find no ground to withdraw and transfer HMOP as it is devoid of merits.

Accordingly, the Tr.C.M.P. is dismissed. No costs.

Pending miscellaneous petitions, if any, shall stand dismissed in consequence.

M.SATYANARAYANA MURTHY, J.

Date: 01.02.2018
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