

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Tr. CIVIL MISCELLENEIOUS PETITION No.43 of 2018

ORDER:

This Transfer Civil Miscellaneous Petition, under Section 24 of CPC, is filed by the petitioner/wife to withdraw HMOP No.192 of 2017 pending on the file of Senior Civil Judge, Gudur, SPSR Nellore District, Andhra Pradesh and transfer to the Judge, Family Court, Mahabubnagar, Mahabubnagar District, Telangana State, on the following grounds:

- (i) She being a lady staying with her parents unable to meet the for traveling and other incidental expenses to appear before the Senior Civil Judge, Gudur, covering distance of 400 Km; and
- (ii) She filed M.C.No.3 of 2017 pending on the file of Family Court, Mahabubnagar, for maintenance and also filed DVC No.1 of 2017 pending on the file of Judicial First Class Magistrate, Mahabubnagar and further she also filed a Report with Women Police Station, Mahabubnagar, against her husband and his family members, which was registered for the offences punishable under Sections 498-A and Sections 3 and 4 of DP Act.

Heard learned counsel for the petitioner at the stage of admission, who reiterated the grounds urged in the petition.

The first ground urged by the learned counsel for the petitioner is that she being a lady is unable to bear the traveling and other incidental expenses and not in a position to appear before Senior Civil Judge, Gudur, covering distance of more than 400 Km. No doubt, appearing before the Judge, Family Court, Gudur, on every date of adjournment, is a difficult task for a lady. In view of the same, if the appearance of the

petitioner before the Court at Gudur, SPSR Nellore District, is dispensed with, it would serve the purpose. Hence, the Senior Civil Judge at Gudur, SPSR Nellore District, is directed not to insist the petitioner for her personal appearance as long as she is being represented by her counsel, except on the dates when her personal appearance is required by the Court including reconciliation, subject to payment of traveling and other incidental expenses to the petitioner and the person accompanies her, by the respondent whenever she attends the Court in connection with the above OP.

The second ground urged by the petitioner before this Court is that M.C.No.03 of 2017 on the file of Judge, Family Court, Mahabubnagar, and DVC No.01 of 2017 on the file of Judicial First Class Magistrate, Mahabubnagar and also the report given to Women Police Station registered for the offences under Sections 498-A IPC and Sections 3 and 4 of DP Act, are pending within the jurisdiction of Mahabubnagar and prayed to withdraw HMOP No.192 of 2017 pending on the file of Senior Civil Judge, Gudur, and transfer the same to the Judge, Family Court at Mahabubnagar. However, pendency of M.C.No.03 of 2017, DVC No.01 of 2017 and the report given by the petitioner against the respondent with Women Police Station at Mahabubnagar, which is registered as a case in Cr.No.51 of 2017 for the offences under Sections 498-A and Sections 3 and 4 of DP Act, within the jurisdiction of Mahabubnagar as MC, DVC and CC, if any, are pending and these cases shall be tried by Magistrate, whereas HMOP No.192 of 2017 by Senior Civil Judge, Gudur, is not a ground to transfer the case and therefore, HMOP No.192 of 2017 cannot be withdrawn and transferred to the Court Judge, Family Court at Mahabubnagar.

With the above direction, this Transfer Civil Miscellaneous Petition is disposed of.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

Dt: 02-02-2018

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