

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRANSFER C.M.P.No. 51 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 E.P.No.23 of 2016 in F.C.O.P.No.193 of 2007, pending on the file of Judge, Family Court, Visakhapatnam and transfer the same to any Court at Visakhapatnam on the ground that the Presiding Officer of the Court is harassing the petitioner making her to sit till 09.00 p.m and that she lodged report with the Registrar (Vigilance) making certain allegations against the Presiding Officer.

The petitioner obtained a decree for maintenance @ Rs.5,000/- per month payable on or before 10th of every succeeding month in FCOP No.193 of 2007 on 25.03.2015. Since the respondent failed to pay the maintenance as directed by the Judge, Family Court, the petitioner filed execution petition No.23 of 2016, which is pending for adjudication. In the meanwhile, the respondent approached this Court and obtained a conditional interim order on 04.08.2016 in FCAMP No.477 of 2015 in FCA No.245 of 2015. The Division Bench of this Court while suspending the conditional interim order permitted the petitioner and minor son to approach the Court below for execution of the decree, in the event of non compliance of conditional order.

According to the petitioner, the respondent did not comply with the conditional order, the petitioner approached the Court below for execution of the decree passed in her favour.

The only grievance before this Court is that the Presiding Officer of the Court harassing the petitioner in different ways and one of the mode is making her to sit in the Court hall till 09.00 p.m. and she also made several allegations in the complaint lodged with the Registrar (Vigilance). But the Presiding Officer is supposed to hold Court from 10.30 a.m. to 05.00 p.m with a gap of half an hour lunch and after 05.00 pm, she is not supposed to wait in the Court hall. Therefore, the allegation that she was made to sit in the Court hall till 09.00 p.m. is without any basis and if for any reason, the Presiding Officer is guilt of any such misconduct as alleged in the complaint lodged with the Registrar (Vigilance), the High Court may take appropriate action against such Presiding Officer for his alleged misconduct and it is not a ground to withdraw E.P. In view of the allegations made against the Presiding Officer, about making the petitioner to sit till 09.00 p.m, the Presiding Officer is directed not to insist the petitioner to sit in the Court hall after 05.00 p.m. on the date of adjournments.

With the above direction, the tr. C.M.P. is disposed of. There shall be no order as to costs.

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

M.SATYANARAYANA MURTHY, J.

Date 14.02.2018
kvrm