

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRANSFER CIVIL MISCELLANEOUS PETITION No.146 OF 2018

ORDER:

This transfer civil miscellaneous petition is filed, under Section 24 of the Code of Civil Procedure, 1908 (for short 'CPC'), to withdraw O.P. No.2285 of 2017 pending before the Judge, Family Court, Ranga Reddy, and transfer the same to the Family Court, Khammam.

The main ground urged by the petitioner that she is not in a position to undertake journey covering distance of 200 kilometers from Khammam to Rangareddy to appear before the Court in connection with O.P. No.2285 of 2017; the DVC and criminal case are pending on two different courts at Khammam.

The difficulty expressed by the petitioner is that she is unable to undertake journey covering distance of 200 kilometers from Khammam to Rangareddy to appear before the Judge, Family Court at Rangareddy. No doubt it is difficult to a woman to undertake journey covering distance of 200 kilometers on every date of adjournment to appear before the Court. But that by itself is not a ground to withdraw and transfer the F.C.O.P. and if a direction is issued to the Judge, Family Court, Rangareddy, not to insist the personal appearance except on the date of reconciliation or recording her cross-examination, it would serve the purpose and the ground of inability to undertake is no more available.

In view of my foregoing discussion, the ground urged in the petition is not sufficient to exercise jurisdiction under Section 24 of CPC to withdraw and transfer the FCOP. In any view of the matter,

inconvenience of wife alone is not a ground in view of Full Bench Judgment of the Apex Court in **Santhini v. Vijaya Venketesh**¹.

Hence, the transfer civil miscellaneous petition is disposed of directing the Judge, Family Court, Rangareddy, not to insist personal appearance of the petitioner on every date of adjournment as long as she is being represented by her counsel, except on the date she required to appear before the Court either in connection with reconciliation proceedings or recording her cross-examination or for any other purpose in connection with O.P. No.2285 of 2017. No costs.

This order will not preclude the Judge, Family Court to pass any order in accordance with law in the event of her counsel failure to represent.

Consequently, miscellaneous petition, if any, pending shall stand closed.

M.SATYANARAYANA MURTHY, J

13.03.2018
BV

¹ (2018) 1 SCC 1