

**THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

**TRANSFER CIVIL MISCELLANEOUS PETITION No.154 OF 2018**

**ORDER:**

This transfer civil miscellaneous petition, under Section 24 of the Code of Civil Procedure, 1908 (for short 'CPC'), is filed to withdraw F.C.O.P. No.64 of 2015 pending on the file of the Judge, Family Court, Guntur, and transfer the same to the Court of Senior Civil Judge, Repalle, Guntur District, on the ground that the petitioner is unable to undertake journey from Repalle, Guntur District, covering distance of 75 kilometers, without any male assistance, while attending her mother who is aged 71 years suffering from Osteo Arthritis.

The respondent filed O.P. No.75 of 2014 before the Judge, Family Court, Ongole, for dissolving the marriage on various grounds. Initially, on the request of the petitioner alone, the said O.P. was withdrawn and transferred to the Judge, Family Court, Guntur, re-numbered it as F.C.O.P. No.64 of 2015, and again the petitioner filed the present petition seeking withdrawal and transfer of O.P. from the Judge, Family Court, Guntur, to Senior Civil Judge, Repalle on the ground referred supra.

The distance between Repalle and Guntur is admittedly 75 kilometers and there is a direct connectivity both by train and bus between these two places and the journey time will be around two hours and mere absence of male assistance alone is not a ground to withdraw the FCOP from the file of Judge Family Court Guntur and transfer to the Court of Senior Civil Judge, Repalle, Guntur District.

The conduct of suits and proceedings before the Family Court are governed by the provisions of Family Courts Act and Rules framed thereunder. If the Judge, Family Court, Guntur is directed not to insist her appearance before the Court on every date of adjournment except on the date when reconciliation proceedings have been taken up or on the dates when her presence is required for recording her cross-examination by the Court or for any other specific purpose, as long as she is being represented by her counsel and prosecuting the proceedings. It would serve the purpose and the ground is no more available.

Hence, I find no ground to withdraw and transfer the FC OP. However the Judge, Family Court, Guntur, is directed not to insist the 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 the above FC OP. This order will not preclude the Court to pass appropriate order, in case her counsel failed to represent her.

With the above direction, the civil revision petition is disposed of. No costs.

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

---

**M.SATYANARAYANA MURTHY, J**

Date:16.03.2018  
BV