

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Tr. CIVIL MISCELLENEANEOUS PETITION No.407 of 2017

ORDER:

This Transfer Civil Miscellaneous Petition, under Section 24 of CPC, is filed by the petitioner/wife to withdraw HMOP No.33 of 2017 on the file of Senior Civil Judge, Sangareddy, Sangareddy District, and transfer the same to the Senior Civil Judge, Narasaraopeta, Guntur District, on the ground that MC No.20 of 2017, DVC No.08 of 2017, HMOP No.112 of 2017 are pending before the Courts at Guntur District and a complaint was also lodged against the respondent herein for the offence under Section 498 r/w 34 IPC and Sections 3 and 4 of Dowry Prohibition Act before Chilakaluripeta Police Station vide Crime No.88 of 2017, which is pending for investigation, and on account of different cases in various Courts at Guntur District, she is unable to undertake journey covering 350 Km to appear before the Senior Civil Judge, Sangareddy, Sangareddy District, and requested this Court to withdraw and transfer the case.

During hearing, learning counsel for the petitioner/wife reiterated the contentions urged in the petition. Whereas, learned counsel for the respondent/husband submits that major part of trial in HMOP No.33 of 2017 pending on the file of the Senior Civil Judge, Sangareddy, is completed, except recording of evidence of the petitioner herein and her witnesses and if for any reason, the case is withdrawn and transferred to some other Court, it is difficult for the respondent/husband to undertake journey from Sangareddy to Narasarao Pet, Guntur District, and requested to dismiss the petition.

It is an undisputed fact that DVC No.08 of 2017, HMOP No.112 of 2017 and M.C.No.20 of 2017 are pending before the Courts at

Guntur District and a complaint was also lodged against the respondent herein and his parents for the offence under Section 498-A r/w 34 IPC and Sections 3 and 4 of DP Act, but they are pending on the file of Judicial Magistrate of First Class, Narasaraopet. The petitioner did not take any steps since 2017 to withdraw and transfer the case and major of the trial in HMOP is completed expect recording the evidence of petitioner and her witnesses. In such a case, if the case is withdrawn and transferred to some other Court for disposal of the case, it would be delayed for some more time and to avoid such delay, the Senior Civil Judge, Sangareddy, Sangareddy District, is directed not to insist her appearance on every day of adjournment except for recording the witnesses of the petitioner and her witnesses and dispose of HMOP No.33 of 2017, as expeditiously as possible, but not later than three months, from the date of receipt of a copy of this Court.

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: 08-11-2018

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