

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY
TR.CIVIL MISCELLANEOUS PETITION NO.153 OF 2014

ORDER:

This Transfer Civil Miscellaneous Petition, under Section 24 of Code of Civil Procedure 1908, is filed by the petitioner/husband to withdraw O.P.No.665 of 2013 pending on the file of the Judge, Family Court, Vijayawada was filed by the respondent/wife under Section 9 of the Hindu Marriage Act for restitution of conjugal rights and transfer the same to the file of the Judge, Family Court, City Civil Court, Secunderabad.

The petitioner is the husband and respondent is the wife.

The contention of the petitioner/husband is that the children are studying at Secunderabad and that the respondent/wife is also residing at Secunderabad. The Judge, Family Court, Vijayawada has no territorial jurisdiction since the petitioner and respondent are staying at Secunderabad only and that it is inconvenience to both parties to travel from Secunderabad to Vijayawada.

The parties are not required to appear on every date of adjournment like proceedings under Family Courts' Act, except on the dates when reconciliation was taken up or on any other date for recording cross examination before the Court. Travelling two days from Secunderabad to Vijayawada and return is not a difficult task to the petitioner/husband. Therefore, the difficulty expressed by the petitioner to undertake journey is not sufficient to withdraw and transfer O.P. When both parties expressed their inconvenience to appear before the Court, it is for the Court to decide the inconvenience of each party, which out weigh the inconvenience of the other and consequently, it is not a fit case to withdraw O.P and transfer the same to Secunderabad. However, the Judge, Family Court, Vijayawada is requested not to insist the personal

appearance of the petitioner on every date of adjournment as long as he is represented by his counsel except on the dates when his personal appearance is required for reconciliation and recording his cross examination.

With the above observation, the Tr.C.M.P. is disposed of. No costs.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

M. SATYANARAYANA MURTHY, J

13.11.2018

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