

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY
TR.CIVIL MISCELLANEOUS PETITION NO.684 OF 2018

ORDER:

This Transfer Civil Miscellaneous Petition, under Section 24 of Code of Civil Procedure 1908, is filed to withdraw O.P.No.47 of 2017 pending on the file of the Senior Civil Judge, Piler, Chittoor District and transfer the same to the file of the Senior Civil Judge, Rayachoty, Kadapa District.

The contention of the petitioner/wife is that she being lady unable to undertake journey from Rayachoty to Piler and that she is not in a position to travel by incurring heavy expenses as she is housewife and that she is facing life threat in the hands of the respondent whenever she attends the Court in connection with O.P.No.47 of 2017. Therefore, requested to withdraw O.P.No.47 of 2017 pending on the file of the Senior Civil Judge, Piler, Chittoor District and transfer the same to the file of the Senior Civil Judge, Rayachoty, Kadapa District.

During hearing, learned counsel for the petitioner reiterated the contentions raised by the petitioner and finally requested to dispense with the appearance of the petitioner before the Court, in case the Court is not inclined to withdraw and transfer the case.

Admittedly, O.P. is pending before the Senior Civil Judge, Pelaru for dissolution of marriage on various grounds. The allegations made by the petitioner is that she is facing difficulty to appear before the Court i.e. life threat, but no material is produced to substantiate such contention. If the petitioner was subjected to such threat, when she attended the Court in connection with O.P., she would have lodge report with the police concerned or complain to the Judge. But no such complaint was lodged having prosecuted O.P. for a period of one year. If really, the petitioner is facing threat, necessary police protection can be provided whenever she attends the Court in connection with O.P. Therefore, I find that it is appropriate to direct the Senior Civil Judge, Pileru to provide necessary police protection whenever, the petitioner appears before the Court in connection with O.P. on the application made by the petitioner, which would serve the purpose.

The Apex Court in **Krishna Veni Nagam v. Harish Nagam**¹ laid down certain guidelines for recording evidence in matrimonial cases. Those guidelines are modified by the Full Bench of the Apex Court in **Santhini v. Vijaya Venketesh**². However, laid down three guidelines and one of the guideline is that after completion of reconciliation, in the event of failure, the parties may chose to examine by video conference and if they gave consent for such video conference, the Court can proceed to record evidence of witnesses by video conference, but till that stage, the petitioner has to appear before the Court only for limited purpose of reconciliation. Therefore, the presence of the petitioner on the dates of adjournments except on the date of reconciliation and for record her cross examination, is dispensed with as long as she being represented by counsel, this will not preclude the Senior Civil Judge, Piler from passing any order in accordance with law. Whenever, the petitioner appears before the Court in connection with O.P, the respondent is directed to pay travelling allowance and other incidental expenses including stay and food etc. of the petitioner and the person who accompanying her.

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

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

M. SATYANARAYANA MURTHY, J

06.11.2018

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¹ (2017) 4 SCC 150

² (2018) 1 SCC 1