

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

**Tr.C.M.P.No.690 of 2018**

**ORDER:**

This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908 (for short, 'C.P.C'), to withdraw H.M.O.P.No.66 of 2017 pending on the file of I Additional Senior Civil Judge, Nellore, and transfer the same to the file of Senior Civil Judge, Rayachoty, for trial and disposal.

2. Heard.

3. The petitioner is wife of the respondent. The respondent herein filed the aforesaid H.M.O.P.No.66 of 2017 under Section 13 (1) (ia) of the Hindu Marriage Act, 1955, for dissolution of marriage. In the affidavit filed in support of the petition, it is stated that the petitioner is residing at Middikadapalli, Masapet Bazar, Bandapalli, Ramapuram Mandal, YSR Kadapa District, and the distance between Nellore and her residence is nearly 200 kilometres; that without any male assistance, it is difficult for her to prosecute the O.P. at Nellore. It is further stated that the petitioner is working at Railway Kodur and she is apprehending danger at the hands of the respondent.

4. No doubt, the petitioner, being a woman, who is aged about 25 years, may face difficulty to travel to Nellore in connection with the subject O.P. The distance is only 200 kilometres approximately from the place of her residence to the Court where the subject O.P is pending. More so, she has no necessity to appear before I Additional Senior Civil Judge Court, Nellore, on each and every date of adjournment unlike matters governed by

Family Courts Act, except on the date when reconciliation proceedings are taken up by the Presiding Officer of the Court and on the date of recording her cross-examination. Therefore, distance is not a matter as she is not required to attend the Court on every date of adjournment.

5. In addition to the above ground, the petitioner also raised a ground that she has no male assistance to undertake journey to cover the distance. But, this is not a ground. Travelling by a woman, who is aged about 25 years, without male assistance, is not a difficult task. Moreover, she is an employee working in Railway Kodur, without any fear. Therefore, distance is of no consideration. However, if a direction is issued to the trial Court not to insist the petitioner to appear before the trial Court on all the dates of adjournments, except on the date of reconciliation proceedings and recording her cross-examination or whenever her personal appearance is required, ends of justice would be met.

6. Accordingly, the Transfer Civil Miscellaneous Petition is disposed of directing the trial Court not to insist the petitioner to appear before the Court in connection with the subject O.P on each and every date of adjournment, except on the date when her presence is required. However, this order will not preclude the I Additional Senior Civil Judge, Nellore, to pass appropriate orders in accordance with law, in the event, the counsel for the petitioner failed to represent the matter. The petitioner is at liberty to file an appropriate application for recording her cross-examination by appointing an Advocate Commissioner under Order 18 Rule 4 (3) C.P.C.

Miscellaneous petitions, if any, pending in this petition shall stand closed. There shall be no order as to costs.

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**M. SATYANARAYANA MURTHY,J**

**NOVEMBER 01, 2018**

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**Date:01.11.2018**

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