

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRANSFER C.M.P.No. 712 OF 2018

ORDER:

This transfer civil miscellaneous petition under Section 24 of C.P.C. is filed by the petitioner-wife to withdraw O.P.No. 1217 of 2017 pending on the file of learned Judge, Family Court, Vijayawada, Krishna District (for short, 'the Court below'), and transfer the same to the Court of learned Senior Civil Judge at Pithapuram, East Godavari District (for short, 'the Court at Pithapuram'), on the ground that she is residing at Tuni, East Godavari District, where maintenance case filed by her is pending and it is difficult for her to travel from Tuni to Vijayawada on every date of adjournment as the distance between Tuni and Vijayawada is more than 150 kilometers and it is convenient for her to attend the Court at Pithapuram.

2. At the hearing, learned counsel for the petitioner reiterated the same ground urged in the petition.

3. It is an undisputed fact that the petitioner is staying at Tuni and filed maintenance case under Section 125 of Cr.P.C. but surprisingly she is seeking withdrawal and transfer of O.P. from the file of the Court below to the Court at Pithapuram. The distance between Tuni and Pithapuram is approximately 70 kilometers and the petitioner expressed her convenience to appear the Court at Pithapuram while expressing her inconvenience to appear before the Court below. No doubt it is difficult task for a woman to undertake journey of more than 150 kilometers to appear before the Court below on every date of adjournment. In case the O.P. is withdrawn and transferred from the Court below to the Court at Pithapuram, both parties have to undertake journey, the petitioner from Tuni to Pithapuram and the respondent from Vijayawada to Pithapuram and such

withdrawal and transfer would cause inconvenience to both parties. To avoid inconvenience to both parties in the event of withdrawal and transfer as requested by learned counsel for the petitioner, it is better to issue a direction to the Court below not to insist the petitioner for her personal appearance on every date of adjournment except on the dates of reconciliation proceedings and recording of her cross-examination, as long as she is being represented by her counsel and in the event of failure of her counsel to appear and represent the matter, this order will not preclude the Court below to pass appropriate orders in accordance with law. The respondent-husband is directed to pay traveling and other incidental expenses as fixed by the Court below not only to the petitioner but also to the person who accompanies the petitioner.

4. The transfer civil miscellaneous petition is accordingly disposed of. Pending miscellaneous petitions, if any, shall stand closed in consequence.

Date: 13-11-2018.

JSK

M.SATYANARAYANA MURTHY, J.

