

HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN

TRANSFER C.M.P. No.844 of 2018

ORDER:

This is an application seeking transfer of F.C.O.P.No.1082 of 2018, pending on the file of the Judge, Family Court at Vijayawada, to II Additional Family Court, Miyapur at Kukatpally, Ranga Reddy District.

2. Heard the learned counsel for the petitioner-wife.
3. The F.C.O.P. sought to be transferred is filed by the respondent-husband in August, 2018. The petitioner-wife has filed a counter to that petition in November, 2018.
4. The apprehension of the petitioner-wife is that with the child, who is around one year, she cannot travel to Vijayawada to prosecute the case. While it is the matter within the domain of the Family Court to appropriately modulate the procedure and utilize the video conferencing facility, as would be available between Vijayawada and Hyderabad, it is too premature to consider this petition for transfer of the F.C.O.P. There are different modalities including Alternative Disputes Resolution (ADR) mechanism and other proceedings, which could be resorted to by the learned Judge, Family Court. However, to ensure better interest of the petitioner and the child, it is ordered that the petitioner-wife will not be required to personally appear before the Family Court, Vijayawada, unless it becomes absolutely necessary for that Court to order otherwise having regard to the stage of the proceedings. It is

clarified that all modalities of negotiable settlement or even recording of evidence can be considered for the case being carried forward in terms of the Information Technology enabled modes as would be available.

5. Subject to all the aforesaid, it is also necessary to preserve the right of the petitioner-wife to move afresh for transfer of case, if it becomes abundantly necessary.

6. Hence, this Transfer Petition is closed with the aforesaid directions and preserving all such rights.

Pending miscellaneous petitions, if any, shall also stand closed.

Date: 28.12.2018
va/lur

THOTTATHIL B. RADHAKRISHNAN, CJ

