



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3397]

FRIDAY, THE TWENTY FOURTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA
KRISHNA RAO**

TRANS. CIVIL MISC.PETITION NO: 73/2025

Between:

1.LANKA ROJA NAGA VENKATA SATYA RAJESWARI @
TALABATTULA RAJESWARI, D/O CHIRANJEEVI, AGED ABOUT 32
YEARS, R/O SRI LASKSHMI TOWERS, FLAT NO.301, VARIDHARAM
ROAD, PALAKOLLU - 534 260, W.G.DISTRICT, AP

...PETITIONER

AND

1.LANKA YASWANTH KUMAR, S/o.Late Sri Lanka Bala Surya Prakasa
Rao, Aged 34 years, R/o Door No.22-79-11/A, Bendapudivari Street,
Chengalraopet, Visakhapatnam - 530 001. Presently residing at Door
No.22-74-1, GF-3, Sri SKML Narayana Nikethan, Reading Room,
Visakhapatnam.

...RESPONDENT

Petition Under Section 24 of the C.P.C. Praying that in the circumstances
stated in the affidavit filed therewith,the High Court may be pleased tomay be
pleased to withdraw the FCOP No.2259 of 2022 on the file of the court of the
Additional District Judge-cum-Family Court at Visakhapatnam and transmit
the same to the file of Civil Judge (Senior Division) Narsapur, West Godavari
District, AP, and to pass such

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to grant stay of all further proceedings in FCOP No.2259 of 2022 on the file of the court of the Additional District Judge-cum-Family Court at Visakhapatnam. pending disposal of the main petition and pass such

Counsel for the Petitioner:

1.SUDHAKARA RAO AMBATI

Counsel for the Respondent:

1.JOSYULA BHASKARA RAO

The Court made the following:

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.73 of 2025

ORDER:

The petitioner/wife herein filed the present petition under Section 24 of the Code of Civil Procedure, 1908 (for short, 'the C.P.C.'), seeking to withdraw F.C.O.P.No.2259 of 2022 on the file of the learned Additional District Judge-cum-Family Court, Visakhapatnam and transfer the same to the file of the learned Civil Judge (Senior Division), Narsapur, West Godavari District for trial and disposal.

2. The case of the petitioner in brief is as follows:

i. The petitioner is the legally wedded wife of the respondent/husband, and their marriage was solemnized on 03.08.2022 as per Hindu Marriage customs and rituals at Annavaram, East Godavari District. Thereafter, due to matrimonial disputes between the parties, the petitioner/wife has been residing separately at palakollu, West Godavari District.

ii. The petitioner pleaded that the respondent/husband, filed F.C.O.P.No.2259 of 2022, on the file of learned Additional District Judge-cum-Family Court, Visakhapatnam seeking to declare the marriage as null and void, under Section 12 (b) of Hindu Marriage Act, 1955 and the same is pending for adjudication. The petitioner further pleaded that the distance between Palakollu and Visakhapatnam is more than 200 kms and it is very difficult for the

petitioner/wife to appear before the learned Additional District Judge-cum-Family Court, Visakhapatnam on each and every adjournment without any male assistance, and that she is constrained to file this petition.

3. Heard Sri Sudhakara Rao Ambati, learned counsel for the petitioner and Sri Josyula Bhaskara Rao, learned counsel for the respondent.

4. The learned counsel for the respondent submitted that a detailed counter has been filed and contended that the present Transfer Civil Miscellaneous Petition is devoid of merits and is liable to be dismissed. He would further contend that, in case, if this Court is inclined to allow the transfer petition, the personal appearance of the respondent herein may be dispensed with before the transferee Court. The learned counsel also contended that there are no other cases pending between the spouses at Narasapur in West Godavari District.

5. Perused the material available on record.

6. The material on record *prima facie* shows that, in view of the matrimonial disputes between the parties, the petitioner/wife has been residing separately at palakollu, West Godavari District. The material on record further discloses that the respondent/husband, filed F.C.O.P.No.2259 of 2022, on the file of learned Additional District Judge-cum-Family Court, Visakhapatnam seeking to declare the marriage as null and void, under Section 12 (b) of the Hindu Marriage Act, 1955 and the same is pending adjudication.

7. The Apex Court in a case of **GEETA HEERA Vs HARISH CHANDER HEERA**¹, held by considering the fact that “if a wife does not have sufficient funds to visit the place where the divorce petition is filed by her husband, then the transfer petition filed by the wife may be allowed.”

8. The Apex Court in a case of **N.C.V. Aishwarya Vs A.S.Saravana Karthik Sha**² held as follows:

“9. The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio-economic paradigm in the Indian society, generally, it is the wife’s convenience which must be looked at while considering transfer.”

9. On considering the submissions made by the learned counsel for the petitioner and in view of the ratio laid down in the aforesaid case laws that, in matrimonial proceedings, the convenience of the wife has to be taken into consideration rather than the inconvenience of the husband, therefore, I am of the considered view that there are justifiable grounds to consider the request made by the petitioner/wife seeking transfer of F.C.O.P.No.2259 of 2022 on

¹(2000) 10 SCC 304

² 2022 LiveLaw (SC) 627

the file of the learned Additional District Judge-cum-Family Court, Visakhapatnam.

10. Considering the submissions made by the learned counsel for the respondent, since there are no other cases pending at Narasapur, this Court is of the considered view that it is desirable to dispense with the personal appearance of the respondent herein, i.e., the petitioner in F.C.O.P. No. 2259 of 2022, which is under the orders of transfer, before the transferee Court except on the dates when his personal appearance is specifically required before the transferee Court. Both the parties are hereby directed to appear before the learned Civil Judge (Senior Division), Narasapur, West Godavari District, at 10:30 a.m. on 22.06.2026. Thereafter, the personal appearance of the respondent herein, i.e., the petitioner in F.C.O.P. No. 2259 of 2022, shall be dispensed with. The learned Civil Judge (Senior Division), Narasapur, is hereby instructed not to insist upon the personal appearance of the respondent herein i.e., the petitioner in F.C.O.P. No.2259 of 2022, as long as his counsel on record is attending the Court proceedings and representing the case, except on the date of reconciliation proceedings or on the date of recording his evidence in cross-examination or on any other day when his presence is essentially required before the said Court, as directed by the learned Civil Judge (Senior Division), Narasapur.

11. In the result, the present Transfer Civil Miscellaneous Petition is allowed, and F.C.O.P.No.2259 of 2022 on the file of the learned Additional District Judge-cum-Family Court, Visakhapatnam is hereby withdrawn and

transferred to the file of the learned Civil Judge (Senior Division), Narsapur, West Godavari District. The learned Additional District Judge-cum-Family Court, Visakhapatnam, shall transmit the entire case record in F.C.O.P.No.2259 of 2022, to the file of the learned Civil Judge (Senior Division), Narsapur, as expeditiously as possible, preferably within a period of two (02) weeks from the date of receipt of a copy of this order. Since the divorce case is instituted by the husband in the year 2022, therefore, I am of the considered view that it is desirable, to fix a time limit to transferee Court to dispose of the case within nine (09) months from the date of appearance of both the parties.

12. The learned Civil Judge (Senior Division), Narasapur, is hereby directed to dispose of the matter within nine (09) months from the date of appearance of both parties before the said Court. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any pending and the Interim Order granted earlier, if any, shall stand closed.

JUSTICE V. GOPALA KRISHNA RAO

Date: 24.04.2026

JLSR

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.73 of 2025

Date: 24.04.2026

JLSR