



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

[3397]

MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

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

TRANS. CIVIL MISC.PETITION NO: 92/2026

Between:

Addanki @ Mekathoti Rishika

...PETITIONER

AND

Addanki Deepak Kumar

...RESPONDENT

Counsel for the Petitioner:

1. ANCHA PANDURANGA RAO

Counsel for the Respondent:

1. AYESHA AZMA S

The Court made the following:

THE HON'BLE SRI JUSTICE V.GOPALA KRISHNA RAO
TRANSFER CIVIL MISCELLANEOUS PETITION No.92 of 2026

ORDER:

The petitioner/wife filed the present petition under Section 24 of the Code of Civil Procedure, 1908, seeking to withdraw Divorce O.P.No.141 of 2025, on the file of the IV Additional District Judge, Tanuku and transfer the same to the equivalent Court at Guntur, Guntur District.

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

- I. The petitioner is the legally wedded wife of the respondent and their marriage has been performed on 09.10.2019. In view of the matrimonial disputes between both the parties, the petitioner/wife along with her child aged about six (06) years are staying at her parents' house at Guntur and depending upon the mercy of her parents. The petitioner pleaded that she had lodged a complaint before the Arundalpet Police Station, Guntur, Guntur District *vide* Cr.No.504 of 2025 under Sections 85, 79 r/w 3(5) BNS and under Sections 3 and 4 of the Dowry Prohibition Act and the same is pending for investigation. The petitioner further pleaded that she had also filed a case in F.C.O.P.(M.C.) No.1578 of 2026, on the file of the XII Additional District Court-Cum-Judge, Family Court, Guntur and a Domestic Violence Case *vide* C.F.R.No.1546 of 2026, on the file of the Special Mobile Court, Guntur and the respondent/husband is attending the Court proceedings in the aforesaid cases before the competent Courts at Guntur. The

learned counsel for the petitioner would contend that to cause inconvenience to the petitioner, the respondent/husband filed a Divorce petition before the Principal District Judge, Eluru, and the same was made over to the IV Additional District Judge, Tanuku, bearing Divorce O.P.No.141 of 2025, under Section 10(ix)(x) of the Divorce Act, 1869, seeking for dissolution of marriage.

- II. Learned counsel for the petitioner further contended that the petitioner being a woman having a child aged about six (06) years and depending upon the mercy of her parents, it is very difficult for her to travel at a distance of more than 170 Kms from Guntur to Tanuku for attending the divorce case proceedings before the learned IV Additional District Judge, Tanuku, on each and every date of adjournment without any male support and that she was constrained to file the present petition against the respondent/husband seeking to withdraw Divorce O.P.No.141 of 2025, on the file of the IV Additional District Judge, Tanuku and transfer the same to the equivalent Court at Guntur, Guntur District.

3. Heard Sri Ancha Pandu Ranga Rao, learned counsel for the petitioner and Mrs. Ayesha Azma.S, learned counsel for the respondent. Perused the material available on record.

4. Today when the matter is taken up for hearing, it is brought to the notice of this Court by the learned counsel for the petitioner that the petitioner/wife has filed a case in F.C.O.P.No.195 of 2026, on the file of the Family Court at

Guntur, against the respondent/husband seeking maintenance and the same is posted to 29.05.2026. On the other hand, learned counsel for the respondent represented that in view of the transfer of the aforesaid case from Tanuku to Guntur, the further proceedings in the divorce case would be delayed, as such, she requested this Court to fix a time raider to the transferee Court for speedy disposal of the case, in case, if this Court is inclined to transfer the case from Tanuku to Guntur. Learned counsel for the petitioner also fairly conceded that he has no objection in imposing the condition to the transferee Court for speedy disposal of the case.

5. The material on record *prima facie* goes to show that in view of the matrimonial disputes between both the parties, the petitioner/wife along with her child aged about six (06) years are staying at Guntur. The petitioner lodged a Criminal Case before the Arundalpet Police Station, Guntur, *vide* Cr.No.504 of 2025 under Sections 85, 79 r/w 3(5) BNS and under Sections 3 and 4 of the Dowry Prohibition Act and the same is pending for investigation. The petitioner also filed a case in F.C.O.P.(M.C.) No.1578 of 2026, on the file of the XII Additional District Court-Cum-Judge, Family Court, Guntur and a Domestic Violence Case *vide* C.F.R.No.1546 of 2026, on the file of the Special Mobile Court, Guntur, and the respondent is attending the Court proceedings in the aforesaid cases before the competent Courts at Guntur. The respondent/husband has filed Divorce petition before the Principal District Judge, Eluru, and the same was transferred to the IV Additional District Judge, Tanuku bearing Divorce O.P.No.141 of 2025, under Section 10(ix)(x) of the Divorce Act, 1869, seeking for dissolution of marriage.

6. 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.”

7. 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.”

8. On considering the submissions made by the learned counsel appearing for both sides 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 considered than that of the inconvenience of the husband. Therefore, this Court is of the considered view that there are grounds to consider the request of the petitioner/wife to withdraw Divorce O.P.No.141 of 2025, on the file of the IV Additional District Judge, Tanuku and transfer the same to the Judge, Family Court, Guntur, Guntur District. Further, in view of the representation made by the learned counsel appearing for both sides, this Court is inclined to direct the transferee Court i.e., the Judge, Family Court, Guntur, to dispose of

¹ (2000) 10 SCC 304

² 2022 LiveLaw (SC) 627

the said case which is under the orders of transfer within six (06) months from the date of appearance of both the parties.

9. In the result, the present petition is **allowed** and the Divorce O.P.No.141 of 2025, on the file of the IV Additional District Judge, Tanuku, is hereby withdrawn and transferred to the Judge, Family Court at Guntur, Guntur District. The IV Additional District Judge, Tanuku, shall transmit the case record in Divorce O.P.No.141 of 2025 to the Judge, Family Court at Guntur, Guntur District, duly indexed within a period of five days (05) days from the date of receipt of a copy of the order. Both the parties are directed to appear before the Judge, Family Court at Guntur, Guntur District on 29.05.2026 at 10.30 a.m. Further, the Judge, Family Court at Guntur, Guntur District, is directed to dispose of the case in Divorce O.P.No.141 of 2025, which is now under transfer, within a period of six (06) months from the date of appearance of the parties before the 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: 20.04.2026

SRT