

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THURSDAY ,THE EIGHTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE



PRESENT

THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO

TRANS. CIVIL MISC.PETITION NO: 107 OF 2025

Between:

1. Boyapati Bharati alias Mandava Bharati, W/o. Mandava Sriram Prasad, aged 43 years, Occ- House Wife, Residing at SBM Park View Apartments, Srinagar Colony, Anantapuramu, Anantapuramu District.

...PETITIONER/RESPONDENT

AND

1. Mandava Sriram Prasad, S/o. M. Chandra Sekhar Rao, Aged 43 years, Occ- Business, Residing at D.No.11-158, Yenamalakuduru Lakulu, YSR Tadigadapa, NTR District

...RESPONDENT/PETITIONER

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 to may be pleased to transfer the FCOP No.91 of 2025 from XIV Addl. District and Sessions Judge-cum-Family Court, Vijayawada to Family Court Judge, Anantapuram

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 to stay all further proceedings in FCOP No.91 of 2025 on the file of the XIV Additional District and Sessions Judge Cum Family Court Judge, Vijayawada, pending disposal of the above Transfer CMP



Counsel for the Petitioner(s):SRI. SESHADRI GOALLA

Counsel for the Respondent: ---

The Court made the following order:

THE HON'BLE SRI JUSTICE V.GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.107 of 2025

ORDER:

Today when the matter is taken up for hearing, Sri Goalla Seshadri, learned counsel for the petitioner has represented that the proof of service memo dated 07.04.2025, along with the postal track consignment sheet is filed before the Registry and the same is placed on the record. As per the track consignment sheet, the registered notice sent to the respondent was served on him on 01.04.2025. Therefore, service held sufficient. None appeared for the respondent.

2. The petitioner/wife filed the present petition under Section 24 of the Code of Civil Procedure, 1908, seeking to withdraw F.C.O.P.No.91 of 2025, on the file of the XIV Additional District & Sessions Judge-Cum-Family Court, Vijayawada and transfer the same to the Judge, Family Court, Anantapuram.

3. 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 at Anantapuram on 15.06.2020 as per Hindu rites and customs. In view of the matrimonial disputes between both the parties, the petitioner/wife along with a child aged about 5½ years are staying at her parents' house at Anantapuramu and depending upon the mercy of her parents. The petitioner contend that to cause inconvenience to her, the respondent/husband filed F.C.O.P.No.91 of 2025, on the file of the XIV

Additional District & Sessions Judge-Cum-Family Court, Vijayawada, under Section 13(1)(ib) of the Hindu Marriage Act, 1955, seeking for dissolution of marriage.

- II. Learned counsel for the petitioner further contended that the petitioner being a woman having a child aged about 5½ years, depending upon the mercy of her parents, it is very difficult for her to travel at a distance of more than 400 Kms from Anantapuramu to Vijayawada without any male support and that she was constrained to file the present petition against the respondent/husband seeking to withdraw F.C.O.P.No.91 of 2025, on the file of the XIV Additional District & Sessions Judge-Cum-Family Court, Vijayawada and transfer the same to the Judge, Family Court, Anantapuram.
4. Heard Sri Goalla Seshadri, learned counsel for the petitioner. Though registered notice sent to the respondent was served on him, none appeared for the respondent. Therefore, service held sufficient. Perused the material available on record.
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 a child aged about 5½ years are staying at her parents' house at Anantapuramu. The respondent/husband has filed F.C.O.P.No.91 of 2025, on the file of the XIV Additional District & Sessions Judge-Cum-Family Court, Vijayawada, under Section 13(1)(ib) of the Hindu Marriage Act, 1955, 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 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 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 F.C.O.P.No.91 of 2025, on the file of the XIV Additional District & Sessions Judge-Cum-Family Court, Vijayawada and transfer the same to the Judge, Family Court, Anantapuram.

¹ (2000) 10 SCC 304

² 2022 LiveLaw (SC) 627

9. In the result, the present petition is allowed and F.C.O.P.No.91 of 2025, on the file of the XIV Additional District & Sessions Judge-Cum-Family Court, Vijayawada, is hereby withdrawn and transferred to the Judge, Family Court, Anantapuram. The XIV Additional District & Sessions Judge-Cum-Family Court, Vijayawada, shall transmit the case record in F.C.O.P.No.91 of 2025 to the Judge, Family Court, Anantapuram duly indexed as expeditiously as possible preferably within a period of two (02) weeks from the date of receipt of a copy of the order. 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.

**Sd/- K.J. RAJA BABU
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To

1. The XIV Addl. District and Sessions Judge-cum-Family Court,
Vijayawada
2. Family Court Judge, Anantapuram
3. One CC to SRI. SESHADRI GOALLA, Advocate [OPUC]
4. Three CD Copies

HIGH COURT

SM

DATED:08/05/2025

ORDER

TRCMP.No.107 of 2025



**ALLOWING THE TRANSFER CIVIL
MISCELLANEOUS PETITION**