



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

[3397]

**THURSDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

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

TRANS. CIVIL MISC.PETITION NO: 129/2024

Between:

1.CHADALAVADA GITHIKA, @ CHERUKURI GEETHIKA, W/O.RUPESH KUMAR, HINDU, AGED ABOUT 30 YEARS, OUTSOURCING EMPLOYEE IN DEPT., OF SCHOOL EDUCATION, SRI ANJANEYA TOWERS, ROAD NO.7-104, B-BLOCK, 4TH FLOOR, VTPS ROAD, IBRAHIMPATNAM, N.T.R. DISTRICT.

...PETITIONER

AND

1.CHADALAVADA RUPESH KUMAR, S/o.Sri Srinivasa Prabhu(late), Hindu, aged about 36 years, R/o.D.No. 13-2-3, Guntur vari thota, 1st line, kothapeta, Guntur

...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 to please to withdraw FCOP(H.M.O.P.) No. 121 of 2022 pending on the file of Hon'ble Family Court at Guntur and to transfer the same to XIV Additional District Judge cum

Additional Family Court Judge, Vijayawada in the interest of the justice and to pass

IA NO: 1 OF 2024

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 grant stay of all further Proceedings in FCOP(H.M.O.P.) No.121 of 2022 pending on the file of Hon'ble Family Court at Guntur, pending disposal of the above main Transfer C.M.P and in the interest of the justice and to pass

Counsel for the Petitioner:

1.K. R. RAGHAVENDRA RAO

Counsel for the Respondent:

1.GANGARAJU JAGADEESACHANDRABABU NARASIMHA

THE HON'BLE SRI JUSTICE V.GOPALA KRISHNA RAO
TRANSFER CIVIL MISCELLANEOUS PETITION No.129 of 2025

ORDER:

The petitioner herein/wife has filed the present petition under Section 24 of the Code of Civil Procedure, 1908, seeking for withdrawal of H.M.O.P.No.121 of 2022, on the file of the Judge, Family Court, Guntur and transfer the same to the file of the Judge, Family Court, Vijayawada, Krishna District, for trial and disposal of the same.

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

I. The petitioner is the wife of the respondent and the marriage their marriage was solemnized on 21.05.2017, in the presence of both side elders, at Kalluripalli Village, S.P.S.R. Nellore District, as per the Hindu Rites and Caste Customs. During their wedlock period, the petitioner/wife, respondent /husband were blessed with a female child on 13.06.2018. Thereafter, due to the matrimonial disputes between the spouses, the petitioner/wife along with her child aged about seven (7) years has been residing separately at her parents' house in

Ibrahimpattanam, N.T.R. District. The petitioner/wife pleaded that in view of the harassment made by the respondent/husband, she lodged a complaint against the respondent and his family members, dated 19.05.2022, which was registered as F.I.R.No.160 of 2022, for the offence punishable under Sections 498-A, 406 of I.P.C. and Sections 3 & 4 of the Dowry Prohibition Act, 1961, before the Disha Police Station, Vijayawada, after completion of investigation, Police laid a charge sheet and the same was numbered as C.C.No.544 of 2023 on the file of the II Additional Chief Metropolitan Magistrate, Vijayawada, and she also filed a Maintenance Case *vide* F.C.O.P.(M.C.)No.1097 of 2023 on the file of the XIV Additional District Judge-cum-Additional Family Court, Vijayawada, under Section 125 of Cr.P.C. r/w Section 7 of the Family Courts Act, seeking maintenance from the respondent/husband, the aforesaid cases are pending for adjudication.

II. The petitioner/wife further pleaded that with a view to cause inconvenience and to harass her, the respondent/husband filed a divorce petition against the petitioner/wife herein *vide* H.M.O.P.No.121 of 2022, on the file of the Judge, Family Court, Guntur, under Section 13(1)(ia)(ib) of the Hindu Marriage Act, 1955, seeking for dissolution of the marriage and the same is also pending for adjudication.

III. Learned counsel for the petitioner would contend that the petitioner being a woman, has been residing separately and currently working at Mangalagiri, in Department of School Education, on outsourcing basis, it is very difficult for her to travel to attend the divorce case proceedings filed by the respondent/husband herein before the Court at Guntur without any male assistance and that she was constrained to file the present petition against the respondent/husband, seeking for withdrawal of H.M.O.P.No.121 of 2022, on the file of the Judge, Family Court, Guntur and transfer the same to the

file of the Judge, Family Court, Vijayawada, Krishna
District.

3. The respondent filed a counter-affidavit by denying the material allegations filed by the petitioner and there are no merits in the Transfer Civil Miscellaneous Petition.

4. Learned counsel for the respondent would contend that, the petitioner herein is currently working at Mangalagiri, in Department of School Education, on outsourcing basis and she is not working at Vijayawada.

5. Heard Mr. K.R. Raghavendra Rao, learned counsel for the petitioner and Mr. G. Jagadeesa Chandra Babu, learned counsel for the respondent.

6. The material available on record *prima facie* shows that the respondent/husband instituted divorce petition against the petitioner herein/wife *vide* F.C.O.P.No.121 of 2022, on the file of the Judge, Family Court, Guntur, under Section 13(1)(ia) of the Hindu Marriage Act, 1955, seeking for dissolution of the Marriage, the reconciliation procedure in the said case was also completed and the matter is pending for enquiry before the Judge, Family Court at Guntur.

7. It is undisputed by learned counsel appearing on both the parties that the respondent/husband instituted a divorce case before the Judge, Family Court at Guntur at about four (04) years ago and reconciliation of the parties was also

held and now the matter has reached at a stage of recording evidence of both the parties. Therefore at this stage, if the said case has been withdrawn from the file of the Judge, Family Court, Guntur and transferred to the file of the Judge, Family Court at Vijayawada, the further proceedings will be delayed.

8. As stated *supra*, the respondent/husband instituted a divorce case in the year 2022, about (04) years ago, before the Judge, Family Court, Guntur, and the petitioner/wife herein is not working at Vijayawada and she is working at Mangalagiri in Department of School Education on outsourcing basis, it is not a fit case to transfer F.C.O.P.No.121 of 2022, from the file of the Judge, Family Court, Guntur, to the file of the Judge, Family Court, Vijayawada.

9. Considering the facts and circumstances of the case, I am of the considered view that since the matter in F.C.O.P.No.121 of 2022, has been reached for recording the evidence of the parties, it is not desirable to transfer the said F.C.O.P.No.121 of 2022, from the file of the Judge, Family Court at Guntur, to the file of the Judge, Family Court at Vijayawada.

10. Considering the submissions made by the learned counsel for the petitioner on record, the petitioner herein is an employee, working in Department of School Education on outsourcing basis, currently working at Mangalagiri, therefore, I am of considered view that instead of transferring the matter from Guntur to Vijayawada, dispensing with the personal appearance of the petitioner

herein/respondent before the Judge, Family Court, Guntur, will sub-serve the ends of justice.

11. With the above observations, the Transfer Civil Miscellaneous Petition is **disposed of**. The learned Judge, Family Court at Guntur, hereby instructed not to insist upon personal appearance of the petitioner herein *i.e.* respondent in F.C.O.P.No.121 of 2022, as long as her counsel of record is available, except on the date of recording of her evidence in cross-examination or on any other day, her presence is essentially required as directed by the learned Judge, Family Court, Guntur. 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: 19.02.2026
JLSR/CVD