

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.130 of 2026

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.360 of 2025 on the file of the Family Court, Rajamahendravaram to the file of the Principal Family Court-cum-IV Additional District Judge, Vijayawada, 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 08.05.2025 as per Hindu Marriage customs and rituals. Thereafter, due to matrimonial disputes between the parties, the petitioner/wife has been residing separately at Vijayawada in parents' house.

ii. The petitioner submitted that she has lodged a complaint before the A.S.Nagar Police Station *vide* F.I.R.No.454 of 2025 for the offences punishable under Sections 85, 75(1) (i), 351(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3 & 4 of the Dowry Prohibition Act and she filed a Maintenance case *vide* F.C.O.P.(MC) No.22 of 2026 on the file of the Principal Family Court-cum-IV Additional District Judge, Vijayawada, and the same is pending adjudication.

iii. The petitioner further pleaded that the respondent/husband, to cause inconvenience to the petitioner, filed F.C.O.P.No.360 of 2025 on the file of the Family Court, Rajamahendravaram, seeking dissolution of marriage under Section 13 (1) (ia) (ib) of the Hindu Marriage Act, 1955 and the same is pending adjudication. The petitioner further pleaded that the distance between Vijayawada and Rajamahendravaram is more than 100kms and it is very difficult for the petitioner/wife to appear before the Family Court, Rajamahendravaram on each and every adjournment without any male assistance, and that she is constrained to file this petition.

3. Heard Sri C. Ravi Kumar, learned counsel for the petitioner. As per Registry endorsement, notice sent to the respondent was served. None appeared for respondent.

4. Perused the material available on record.

5. 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 Vijayawada in her parents' house. The material on record further discloses that the respondent/husband filed F.C.O.P.No.360 of 2025 on the file of the Family Court, Rajamahendravaram seeking dissolution of marriage under Section 13 (1) (ia) (ib) of the Hindu Marriage Act, 1955 and the same is also pending for adjudication.

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**²held 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 taken into consideration rather than the inconvenience of the husband and 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.360 of

¹(2000) 10 SCC 304

² 2022 LiveLaw (SC) 627

2025 on the file of the Family Court, Rajamahendravaram to the file of the Principal Family Court-cum-IV Additional District Judge, Vijayawada.

9. In the result, the present Transfer Civil Miscellaneous Petition is allowed, and F.C.O.P.No.360 of 2025 on the file of the Family Court, Rajamahendravaram is hereby withdrawn and transferred to the file of the Principal Family Court-cum-IV Additional District Judge, Vijayawada. The learned Judge, Family Court, Rajamahendravaram shall transmit the case record in F.C.O.P.No.360 of 2025 to the file of the Principal Family Court-cum-IV Additional District Judge, Vijayawada as expeditiously as possible, preferably within a period of one (01) week from the date of receipt of a copy of this 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.

JUSTICE V. GOPALA KRISHNA RAO

Date: 15.06.2026

JLSR