



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

[3397]

WEDNESDAY ,THE TWENTY THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

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

TRANS. CIVIL MISC.PETITION NO: 30/2024

Between:

Smt Dhara Vanaja

...PETITIONER

AND

Pitta Ravi Prasasd

...RESPONDENT

Counsel for the Petitioner:

1.P NARAHARI BABU

Counsel for the Respondent:

1.HARISH KUMAR RASINENI

The Court made the following:

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 transfer of F.C.O.P.No.10 of 2023 on the file of the Judge, Family Court, Anantapur, to the Senior Civil Judge, Hindupur, Anantapur District, for trial.

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

- I. The petitioner is the legally wedded wife of the respondent and the marriage of the petitioner with the respondent was solemnized on

25.08.2013, at Vasavi Kalyana Mandapam, Gorantla, Anantapur District, as per the Hindu Rites and Caste Customs. During their wedlock period, the petitioner/wife and the respondent/husband were blessed with a female child on 01.11.2015. After that, due to the matrimonial disputes between both the spouses, the petitioner/wife has been residing separately along with her female child aged about 7 years at Bangalore. The petitioner/wife further pleaded that to cause unnecessary inconvenience to her, the respondent/husband had filed F.C.O.P.No.10 of 2023 on the file of the Judge, Family Court, Anantapur, under Section 13(1)(ia) of the Hindu Marriage Act, 1955, seeking dissolution of the marriage and the same is pending for adjudication.

II. The petitioner/wife further pleaded that, she being a woman, residing separately along with her daughter at Bangalore, it is very difficult for her to travel at a distance of more than 200Kms from Bangalore to Anantapur to attend the divorce case proceedings on each and every adjournment without any male support and that she is constrained to file the present petition seeking transfer of F.C.O.P.No.10 of 2023 on the file of the Judge, Family Court, Anantapur, to the Senior Civil Judge, Hindupur, Anantapur District.

3. Learned counsel for the respondent would contend that there are no merits in the present case filed by the petitioner/wife and the present Transfer Civil Miscellaneous Petition may be dismissed.

4. Heard learned counsel for the petitioner and learned counsel for the respondent through virtual mode.

5. Perused the material available on record.

6. The material on record *prima facie* goes to show that due to the matrimonial disputes between both the spouses, the petitioner/wife has been residing separately along with her child aged about 7 years at Bangalore. It is also a fact that, the respondent/husband has instituted a case i.e., F.C.O.P.No.10 of 2023 on the file of the Judge, Family Court, Anantapur, under Section 13(1)(ia) of the Hindu Marriage Act, 1955, seeking dissolution of the marriage and the same is pending for 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 principles 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

¹(2000) 10 SCC 304

² 2022 LiveLaw (SC) 627

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 appearing for both sides and in view of the ratio laid down by the aforesaid case laws and on considering the facts and circumstances of the present case that in matrimonial proceedings, the convenience of the wife has to be taken into consideration than that of 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.10 of 2023 on the file of the Judge, Family Court, Anantapur, to the Senior Civil Judge, Hindupur, Anantapur District.

10. In the result, the Transfer Civil Miscellaneous Petition is **allowed** and F.C.O.P.No.10 of 2023 on the file of the Judge, Family Court, Anantapur, is hereby withdrawn and transferred to the Senior Civil Judge, Hindupur, Anantapur District. The learned Judge, Family Court, Anantapur, shall transmit the case record in F.C.O.P.No.10 of 2023, to the Senior Civil Judge, Hindupur, Anantapur District, 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. Both the parties are directed to appear before the Senior Civil Judge,

Hindupur, Anantapur District, on 18.06.2025, at 10.30 a.m. 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: 23.04.2025
CVD