THE HON'BLE SRI JUSTICE V.GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.76 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.17 of 2026 on the file of the learned Judge, Additional Family Court at Visakhapatnam to the file of the learned Judge, Family Court, at Rajamahendravaram, 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 15.02.2017 as per Hindu rites and traditions at Simhachalam Devasthanam. Out of their wedlock, they were blessed with two children aged about 8 and 6 years respectively. Thereafter, due to matrimonial disputes between the parties, the petitioner/wife has been residing separately along with minor children at Korukonda Mandal, near to Rajamahendravaram. Presently, she is working as Government doctor at Korukonda and her children are prosecuting studies at Rajamahendravaram.

ii. The petitioner submitted that she has lodged a complaint before the Mahila Urban Police Station, East Godavari, for the offences punishable under Sections 85, 351 (2) r/w (5) of Bharatiya Nyaya Sanhita (BNS) and under Sections 3 & 4 of the

Dowry Prohibition Act *vide* Cr.No.20 of 2026, and the same is under investigation.

iii. The petitioner further pleaded that the respondent/husband, to cause inconvenience to the petitioner, filed F.C.O.P.No.17 of 2026 on the file of the learned Judge, Additional Family Court at Visakhapatnam, under Section 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955, seeking dissolution of marriage and the same is pending adjudication. The petitioner further pleaded that it is very difficult for her to travel a distance of more than 200 kms from Korukonda to Visakhapatnam for attending the divorce case proceedings in F.C.O.P.No.17 of 2026 on the file of the learned Judge, Additional Family Court at Visakhapatnam, on each and every adjournment without any male assistance and that she is constrained to file the present transfer petition.

3. The respondent has filed a counter affidavit by denying the material allegations levelled in the transfer petition filed by the petitioner. Learned counsel for the respondent/husband contended that the respondent is presently unemployed, is not engaged in any private employment, and is presently searching for a job. He further contended that there are no merits in the transfer petition filed by the petitioner and requested to dismiss the transfer petition.

4. Heard N.Siva Reddy, learned counsel for the petitioner and Sri Bhagathi Joga Rao, learned counsel for the respondent.

5. Perused the material available on record.

6. The material available on record *prima-facie* discloses that the petitioner/wife is presently residing at Korukonda, near Rajamahendravaram, and is working as a Government Doctor at Korukonda. It is also evident that her children are pursuing their studies at Rajamahendravaram. The distance between Rajamahendravaram and Visakhapatnam is approximately 200 kilometres, and it would be difficult for the petitioner to travel from Rajamahendravaram to Visakhapatnam on every date of hearing, particularly without any male assistance. The material on record further reveals that the respondent/husband has instituted F.C.O.P. No.17 of 2026 on the file of the learned Judge, Additional Family Court, Visakhapatnam, under Section 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955, seeking dissolution of the marriage, and the said proceedings are pending adjudication.

7. Learned counsel for the respondent/husband contended that, at present, no cases are pending before the Courts at Rajamahendravaram, and in case, if this Court is inclined to allow the present transfer application, the personal appearance of the respondent/husband before the transferee Court may be dispensed with.

8. The Apex Court in a case of ***N.C.V. Aishwarya Vs A.S.Saravana Karthik Sha***[1] 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."*

9. 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 justifiable grounds to consider the request made by the petitioner/wife seeking transfer of F.C.O.P. No.17 of 2026 on the file of the learned Judge, Additional Family Court, Visakhapatnam, to the file of the learned Judge, Family Court, at Rajamahendravaram. Further on considering the submissions made by the learned counsel for the respondent/husband, the personal attendance of the respondent/husband has been dispensed with before

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the transferee Court, except on the days when his presence is required before the learned Judge, Family Court, at Rajamahendravaram.

10. In the result, the present Transfer Civil Miscellaneous Petition is ***allowed*** and F.C.O.P. No.17 of 2026 on the file of the learned Judge, Additional Family Court, Visakhapatnam, is hereby withdrawn and transferred to the file of the learned Judge, Family Court, at Rajamahendravaram. The Judge, Additional Family Court, Visakhapatnam, shall transmit the case record in F.C.O.P. No.17 of 2026 to the learned Judge, Family Court, at Rajamahendravaram, duly indexed within a period of two (02) weeks from the date of receipt of a copy of the order. Further, both the parties are directed to appear before the learned Judge, Family Court, at Rajamahendravaram on 24.08.2026. Later, the learned Judge, Family Court, at Rajamahendravaram, is directed not to insist for the personal appearance of the respondent/husband herein i.e., the petitioner in F.C.O.P. No.17 of 2026, as long as his counsel is attending the Court proceedings and representing the case except on the day when re-conciliation proceedings are being taken up or on the day when his cross-examination is required to be recorded or on any other day when his personal appearance is required as directed by the learned Judge, Family Court, at Rajamahendravaram. 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: 17.06.2026
RPD.

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THE HON'BLE SRI JUSTICE V.GOPALA KRISHNA RAO

(ALLOWED)

TRANSFER CIVIL MISCELLANEOUS PETITION No.76 of 2026

Date : 17.06.2026

RPD.