Date of reserved for orders :
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APHC010353832024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3520]
(Special Original Jurisdiction)

TUESDAY, THE 14th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

TRANS. CIVIL MISC.PETITION NO: 265/2024

Between:

1. SMT. BELLANA DURGA @SUNKARI DURGA, W/O. GANGA RAJU D/O.LATE SATYAM AGED ABOUT 33 YEARS, HOUSE WIFE, TUMUKAPALLI VILLAGE, GAJAPATHINAGARAM MANDAL, VIZIANAGARAM DISTRICT.

...PETITIONER

AND

1. BELLANA GANGARAJU, S/o. Appalanaidu, aged about 36 years, Occ A.R.Constable, R/o. D.No.24-1-679, Old Judge Bunglow Road, Mulapet, Nellore City, Nellore District.

...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 topleased to transfer F.C.O.P.No. 65 of 2024 on the file of Hon'ble Family Judge Court at Nellore to the Hon'ble Family Judge Court at Vizianagaram and dispose-off for trial/enquiry and Judgment

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 pleased to Stay all further proceedings in F.C.O.P.No. 65 of 2024 on the file

of Honhle Family Judge Court, Nellore pending disposal of the above Transfer Petition

Counsel for the Petitioner:

1. SATYANARAYANA DHARA

Counsel for the Respondent:

1. TADDI SOWMYA NAIDU

The Court made the following:

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

Tr.C.M.P.No.265 of 2024

Order:

This Transfer Civil Miscellaneous Petition is filed to transfer F.C.O.P. No.65 of 2024 on the file of learned Family Judge at Nellore to the Court of learned Family Judge, at Vizianagaram.

2. The respondent in F.C.O.P. No.65 of 2024 is the wife and she is the petitioner herein. The respondent herein is her husband and filed F.C.O.P. No.65 of 2024, invoking Section 13 of Hindu Marriage Act, for dissolution of marriage and for grant of divorce.

3. Ms. T. Sowmya Naidu, learned counsel appearing for the respondent-husband submits that the respondent is an AR Constable and he has to attend his duties at Nellore and his travel from Nellore to Vizianagaram will be inconvenient and will affect his duties. Further, she would submit that since the parties lastly resided within the jurisdiction of Family Court at Nellore, the case was instituted and it would be convenient for all ends, if the case is continued at Family Court, Nellore. Hence, she prays to dismiss the petition.

4. Answering the same, Ms. M. Vinodini Ruth, learned counsel representing Sri Dhara Satyanarayana, learned counsel for the petitioner would submit that the marriage has taken place at Vizianagaram, and therefore, the Family Court at Vizianagaram will have jurisdiction and there will

be no error of jurisdiction, etc. Further, the petitioner herein, who is the wife, is suffering financial difficulties and her travel from Vizianagaram to Nellore, which is at a distance of about 700 Km, will be troublesome on her.

5. Upon considering the submissions of both sides and the factual scenario and upon application of general aspects and the principle, that the place where the wife resides, is to be treated as the *forum conveniens* in matrimonial litigations, unless during exceptional circumstances, this Court is of the view that the prayer sought for transfer of F.C.O.P. No. 65 of 2024 on the file of learned Family Judge at Nellore to the Court of learned Family Judge, at Vizianagaram, deserves positive consideration.

6. Hence, the petition is allowed as follows:

1) F.C.O.P. No.65 of 2024 pending on the file of learned Family Judge at Nellore is withdrawn and transferred to the learned Family Judge at Vizianagaram and the learned Family Judge at Nellore is directed to transmit the record, duly indexed forthwith.

2) The learned Family Judge, Vizianagaram is directed to dispose of the case, as per law, as early as possible, on receipt, by providing fair opportunity to both the parties.

3) The presence of respondent-husband, in view of his employment, need not be insisted upon, unless it is legally necessary, like for conciliation and for his evidence.

There shall be no order as to costs.

As a sequel, pending miscellaneous applications, if any, shall stand closed.

A. HARI HARANADHA SARMA, J

Date:14.07.2026
MJA

Whether the order is :

Speaking Yes/No / Reasoned Yes/No
Reportable Yes/No / Non-Reportable Yes/No

THE HON'BLE SRI JUSTICE A. HARI HARANADHA SARMA

TRANS. CIVIL MISC.PETITION NO: 265/2024

14.07.2026

MJA