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APHC010700332025

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

TUESDAY, THE 21st DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

TRANS. CIVIL MISC.PETITION NO: 427/2025

Between:

1. VALLAMSETTY DEVI SREYA @ PONNALA DEVI SREYA,, W/O. VALLAMSETTY SATYA VARDHAN, D/O. PONNALA MADHUSUDHANA RAO, AGED ABOUT 30 YEARS, R/O.D.NO. 12-531/1, GANDHI NAGAR, NEAR GANGANAMMA TEMPLE, NUZVID TOWN AND MANDAL, ELURU DISTRICT.

...PETITIONER

AND

1. VALLAMSETTY SATYAVARDHAN, S/o. Yedukondalu, aged 32 years. Home guard, R/o. D.No. 24-34-711, 4th line, Annavarappadu, Ongole Town and Mandal, Prakasam District.

...RESPONDENT

Counsel for the Petitioner:

1. BABU RAO PANDIRI

Counsel for the Respondent:

1. Dr CHALLA SRINIVASA REDDY

The Court made the following:

ORDER:

The petitioner/wife filed the present petition under Section 24 of the Code of Civil Procedure, 1908, seeking to withdraw F.C.O.P.No.127 of 2025 on the file of the learned Family Court-cum-VIII Additional District Judge, Ongole, Prakasam District to the file of the learned Civil Judge (Senior Division), Nuzvid, Krishna District.

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

I. The petitioner is the legally wedded wife of the respondent and their marriage was performed on 22.08.2024 at Nuzvid and in view of the matrimonial disputes between both the parties, they are living separately. The petitioner pleaded that she lodged an FIR in Crime No.179 of 2025, under Section 85 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3 and 4 of the Dowry Prohibition Act, 1961, before the Station House Officer, Nuzvid Town Police Station. She also instituted proceedings seeking maintenance *vide* M.C.NO.44 of 2025 under Section 139 of the Code of Civil Procedure, 1908 and also a Domestic Violence Case on the file of learned I Additional Judicial Magistrate of First Class, Nuzvid, and the same are pending adjudication.

II. The learned counsel for the petitioner would contend that to cause inconvenience to the petitioner, the respondent/husband filed F.C.O.P.No.127 of 2025, on the file of the learned Family Court-cum-

VIII Additional District Judge, Ongole, Prakasam District, seeking divorce, under Section 13 (1) (ia) (ib) of the Hindu Marriage Act.

III. Learned counsel for the petitioner further contended that the petitioner, being a single woman with no independent source of income and lacking both financial and physical support, is facing considerable hardship in attending the proceedings in F.C.O.P.No.127 of 2025 pending before the learned Family Court-cum-VIII Additional District Judge, Ongole, Prakasam District, on each and every date of hearing. It is submitted that, in view of the inconvenience and hardship caused to her, the petitioner has been constrained to file the present Transfer Civil Miscellaneous Petition seeking withdrawal of F.C.O.P.No.127 of 2025 on the file of the learned Family Court-cum-VIII Additional District Judge, Ongole, Prakasam District.

3. The respondent has not filed any counter-affidavit. However, he orally opposed the transfer petition, contending that the allegations made by the petitioner are incorrect and that the learned Family Court-cum-VIII Additional District Judge, Ongole, Prakasam District, has validly assumed jurisdiction over the matter. Learned counsel for the respondent/husband submitted that the transfer petition is devoid of merits and is liable to be dismissed. He further contended that it would cause considerable inconvenience to the respondent to attend the proceedings before the learned Civil Judge (Senior Division), Nuzvid, Krishna District, on every date of hearing, and accordingly prayed for dismissal of the transfer petition.

4. Heard Sri P. Babu Rao, learned counsel for the petitioner and Dr. Challa Srinivas Reddy, learned counsel for the respondent. Perused the material available on record.

5. The grounds urged by the petitioner for seeking transfer of F.C.O.P.No.127 of 2025 from the file of the learned Family Court-cum-VIII Additional District Judge, Ongole, Prakasam District, to the file of the learned Civil Judge (Senior Division), Nuzvid, Krishna District, are that she is a single woman with no independent source of income and lacks financial and physical support. It is contended that it is very difficult for her to travel a distance of approximately 100 kilometres from Nuzvid to Ongole, on each and every date of hearing to attend the proceedings before the Family Court-cum-VIII Additional District Judge, Ongole, Prakasam District and that she was constrained to file the present petition against the respondent/husband seeking to transfer of a case.

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**[2]held as follows:

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[1]**(2000) 10 SCC 304**
[2] **2022 LiveLaw (SC) 627**

"*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 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 grounds to consider the request of the petitioner/wife to withdraw F.C.O.P.No.127 of 2025 on the file of the Family Court-cum-VIII Additional District Judge, Ongole, Prakasam District and transfer the same to the file of the learned Civil Judge (Senior Division), Nuzvid, Krishna District. Further on considering the submissions made by the learned counsel for the respondent, the personal attendance of the respondent/husband has been dispensed with before the transferee Court, except on the days when his presence is required before the learned Civil Judge (Senior Division), Nuzvid, Krishna District.

9. In the result, the present petition is allowed as follows:

i. F.C.O.P.No.127 of 2025 on the file of the learned Family Court-cum-VIII Additional District Judge, Ongole, Prakasam District**,** is hereby withdrawn and transferred to the file of the learned Civil Judge (Senior Division), Nuzvid, Krishna District.

ii. The learned Family Court-cum-VIII Additional District Judge, Ongole, Prakasam District, shall transmit the entire case record in F.C.O.P.No.127 of 2025 to the file of the learned Civil Judge (Senior Division), Nuzvid, Krishna District, duly indexed within a period of one (01) month from the date of receipt of a copy of the order.

iii. The learned Civil Judge (Senior Division) shall proceed with and dispose of F.C.O.P.No.127 of 2025 after affording reasonable opportunity of hearing to both parties and making every endeavour to explore the possibility of an amicable settlement through appropriate Alternative Dispute Resolution (ADR) mechanisms, before deciding the case on its own merits in accordance with law.

iv. The learned Civil Judge (Senior Division), Nuzvid, Krishna District, is directed not to insist for the personal appearance of the respondent/husband i.e., the petitioner in F.C.O.P.No.127 of 2025, which case is now under orders of transfer, 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 Civil Judge (Senior Division), Nuzvid, Krishna District. 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.

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JUSTICE A. HARI HARANADHA SARMA, J

Date: 21.07.2026
JLSR

Whether the order is :

Speaking: Yes Reasoned : Yes
Reportable: No Non-Reportable: Yes

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THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

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Dated:21.07.2026.

JLSR