IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE TWENTY SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION NO: 116 OF 2024

Between:

Ramanadham Jaya Krishna Priya, W/o.Ramanadham Srinivas Aged about 34 Years, House wife, R/o. Door No.8-21-9/2,3rd lane, Seetharam Nagar, Guntur, Guntur District

...Petitioner

AND

Ramanadham Srinivas, S/o.Madhusudhana Rao, Aged about 35 years, Occ Unemployed, R/o.D.No.54-18-1/2, Flat No.201, Sri Krishna Towers, Prasanthi Nagar, Vijayawada, Krishna 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 to withdraw the F.C.O.P.No.301/2022 on the file of Principal Family Court, Vijayawada, Krishna District and transfer the same to the Judge, Family Court Judge, at Guntur, Guntur District.

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 to stay the all proceedings including the appearance of the petitioner in F.C.O.P.No.301/2022 on the file of Principal Family Court, Vijayawada, Krishna District.

Counsel for the Petitioner :SRI. RATAN MOHAN MEDIDA

Counsel for the Respondents: SRI. K.S BALA SAI TEJA

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE V.GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.116 of 2024

ORDER:

The petitioner herein filed the present petition under Section 24 of Civil Procedure Code 1908, seeking to withdraw the case proceedings in F.C.O.P.No.301 of 2022 on the file of the Family Court-cum-XIV Additional District and Sessions Judge at Vijayawada, Krishna District and transfer the same to the Judge, Family Court at Guntur, for trial.

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

I. The petitioner is none other than the wife of the respondent/husband and their marriage was performed on 19.04.2018 at B Convention Hall, Guntur, as per Hindu Rites and Caste Customs. In view of the matrimonial disputes in between both the spouses; the petitioner/wife has been residing along with her male child aged about six (6) years at her parents' house at Guntur.

II. The petitioner/wife further pleaded that, to cause unnecessary inconvenience to her the husband/respondent filed F.C.O.P.No.301 of 2022 on the file of the Family Court-cum-XIV Additional District and Sessions Judge at Vijayawada, Krishna District, under Section 13(I)(ia)(ib) of Hindu Marriage Act, 1955, seeking dissolution of the marriage and the same is pending for adjudication.

III. The petitioner/wife further pleaded that, the distance between Guntur and Vijayawada is approximately more than 40 Kms, she being a women depending upon her parents along with her male child aged about six (6) years, it is very difficult for her to travel from Guntur to Vijayawada to attend the Court proceedings on each and every adjournment without any male support, and that she is seeking to withdraw the F.C.O.P.No.301 of 2022 on the file of the Family Court-cum-XIV Additional District and Sessions Judge at Vijayawada, Krishna District and transfer the same to the Judge, Family Court at Guntur.

3. Heard learned counsel appearing for both sides.

4. Learned counsel for the respondent represented that in F.C.O.P.No.301 of 2022 which was filed by the respondent/husband herein, the petitioner side evidence is closed and the said F.C.O.P.No.301 of 2022 has been posted for cross-examination of RW.1.

5. No doubt in all the matrimonial matters, the convenience of the wife has to be taken into consideration that that of the inconvenience of the husband. But in the case on hand, reconciliation was conducted by the trial Court and enquiry has been commenced and petitioner side evidence was closed and the

Court, therefore it is not proper to consider the request of transfer of a case from Vijayawada to Guntur

6. Therefore, I am not inclined to transfer the present case i.e., F.C.O.P.No.301 of 2022 on the file of the Family Court-cum-XIV Additional District and Sessions Judge at Vijayawada, Krishna District, to the Judge, Family Court at Guntur.

7. On considering the representation made by the learned counsel appearing on both sides, some time limit has to be fixed to the learned trial Judge to dispose of the matter. Therefore, the learned Judge, Family Court-cum-XIV Additional District and Sessions Judge at Vijayawada, Krishna District, is hereby instructed to dispose of the said F.C.O.P.No.301 of 2022, within three (3) months from the date of receipt of a copy of this Order.

8. With the above observations, the Transfer Civil Miscellaneous Petition is **disposed of** and the personal appearance of the petitioner herein i.e., respondent F.C.O.P.No.301 of 2022 on the file of the Family Court-cum-XIV Additional District and Sessions Judge at Vijayawada, Krishna District, has been dispensed with, "except on the days when her personal appearance is required as per law", before the said Court. 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.

Sd/- K J RAJA BABU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Ramanadham Jaya Krishna Priya, W/o.Ramanadham Srinivas Aged about 34 Years, House wife, R/o. Door No.8-21-9/2,3rd lane, Seetharam Nagar, Guntur, Guntur District
2. Ramanadham Srinivas, S/o.Madhusudhana Rao, Aged about 35 years, Occ Unemployed, R/o.D.No.54-18-1/2, Flat No.201, Sri Krishna Towers, Prasanthi Nagar, Vijayawada, Krishna District.
3. The Principal Family Court, Vijayawada, Krishna District
4. The Judge, Family Court Judge, at Guntur, Guntur District.
5. One CC to Sri. Ratan Mohan Medida Advocate [OPUC]
6. One CC to Sri. K.S Bala Sai Teja Advocate [OPUC]
7. Three CD Copies

PR

vna

HIGH COURT

DATED:22/01/2025

ORDER

TRCMP.No.116 of 2024



DISPOSING OF THE TRCMP