APHC010471462024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3397]**
(Special Original Jurisdiction)

FRIDAY ,THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO

TRANS. CIVIL MISC.PETITION NO: 380/2024

Between:

Smt Katari Hannah Suhasini **...PETITIONER**

AND

Reddy Thota Daniel Jayanth Kishore **...RESPONDENT**

Counsel for the Petitioner:

1.K B SOLOMON RAJ

Counsel for the Respondent:

1.G V R CHOUDARY

The Court made the following:

ORDER:

The petitioner/wife herein filed the present petition under Section 24 of the Code of Civil Procedure, 1908, seeking transfer of O.P.No.37 of 2022 on the file of the District Judge, Ananthapuramu, to the file of the Judge, Family Court, Kurnool, 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 performed on

07.02.2000, as per the Christian Rites & Customs. The petitioner/wife herein pleaded that, during their wedlock period, the petitioner/wife blessed with a child and due to the matrimonial disputes between both the spouses, the petitioner/wife has been separately along with her son aged about 15 years and she is working as a Head Mistress at ZPH School at Kurnool and the respondent/husband is residing at Ananthapuramu and working as a Private Doctor.

II. The petitioner/wife further pleaded that, to cause unnecessary inconvenience to her, the respondent/husband filed O.P.No.37 of 2022 on the file of the District Judge, Ananthapuramu, under Section 10(1)(ix) and (a) of Indian Divorce Act, 1869, seeking for divorce, on the ground of cruelty and the same is pending for adjudication.

III. The petitioner/wife would further pleaded that, it is very difficult for her to travel along with her son aged about 15 years to attend the divorce case proceedings, which is at a distance of more than 150 Kms from Kurnool to Ananthapuramu on each and every adjournment without any male support and that she was constrained to file the present petition seeking transfer of O.P.No.37 of 2022 on the file of the District Judge, Ananthapuramu, to the file of the Principal Judge, Family Court, Kurnool.

3. Heard learned counsel appearing on both sides on record.

4. Today when the matter is called for hearing, it was brought to the notice of this Court that the entire evidence of the petitioner in O.P.No.37 of 2022 on

the file of the District Judge, Ananthapuramu, has been completed and the chief affidavit of the respondent in the said O.P.No.37 of 2022, has been filed and the said case was posted for cross-examination of RW.1.

5. No doubt, in all matrimonial cases, the convenience of the wife has to be taken into consideration than that of the inconvenience of the husband. But, in the case on hand, the entire evidence of the petitioner in O.P.No.37 of 2022 has been completed and the matter was posted for cross-examination of RW.1. Since the said O.P.No.37 of 2022, is a part heard case before the District Court at Ananthapuramu, at this stage, it cannot be transferred from District Judge, Ananthapuramu, to the Judge, Family Court at Kurnool.

6. Considering the submission made by the learned counsel for the petitioner that the petitioner/wife herein is a Government Employee and is working as a Head Mistress in ZPH School at Kurnool, the personal appearance of the petitioner herein i.e., respondent in O.P.No.37 of 2022 on the file of the District Judge, Ananthapuramu, has been dispense with before the District Court, Ananthapuramu, “except on the days when her personal appearance is required as per law”.

7. It is also brought to the notice of this Court by the learned counsel appearing on both sides that the said O.P.No.37 of 2022 has been posted to 25.04.2025, for cross-examination of RW.1. Learned counsel appearing on both sides represented that, certain time limit may be fixed to the trial Court to dispose of the said case. Therefore the District Judge, Ananthapuramu, is hereby directed to advance the matter from 25.04.2025 to 17.03.2025, since

the above said case is at stage of the cross-examination of RW.1, the learned District Judge, Ananthapuramu, is hereby directed to dispose of the said case i.e., O.P.No.37 of 2022, within two (2) months from the date of appearance of both the parties. Both the parties are directed to appear before the District Judge, Ananthapuramu, on 17.03.2025, at 10.30 a.m.

8. With these above observations, the Transfer Civil Miscellaneous Petition is disposed of. 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: 21.02.2025
CVD