IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY ,THE SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLENEOUS PETITION NO: 402 OF 2024

Between:

Ganagalla Rajarao, S/o Late Ramamurthy, Aged 44 years, Occ Business, R/o. D.No. 6-1, Chukkavanipalem Village, Chepaluppada Post, Bheemunipatnam Mandal, Visakhapatnam District.

...Petitioner

AND

Ganagalla Lakshmi, W/o Raja Rao, Aged 37 years, C/o. 21, Dr. Gangadhar Mukheijee Street, Near Samshan Ghat, Bada Bastala, Howrah, West Bengal - 711101.

...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 transfer the FCOP No.946/2019 on the file of the Hon'ble Court of Family Judge, at Visakhapatnam to be transferred to the Additional Family Court, at Visakhapatnam in the very same court complex at Visakhapatnam.

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 of all further proceedings in FCOP No.946/2019 on the file of the Hon'ble Court of Family Judge, at Visakhapatnam pending disposal of the above transfer civil miscellaneous petition.

Counsel for the Petitioner: SRI G.R. SUDHAKAR

Counsel for the Respondent: SRI GOLLAMUDI NAGASATYANARAYANA

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE V.GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.402 of 2024

ORDER:

The petitioner filed the present petition under Section 24 of the Code of Civil Procedure, 1908, seeking to withdraw F.C.O.P.No.946 of 2019 on the file of the Family Court, at Visakhapatnam and transfer the same to the Additional Family Court, at Visakhapatnam, in the very same Court complex at Visakhapatnam.

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

[i] Due to the matrimonial disputes in between the spouses, the petitioner/husband is residing separately at Chukkavanipalem Village, Bheemunipatnam Mandal, Visakhapatnam and the respondent/wife is staying in West Bengal.

[ii] The petitioner further pleaded that he filed F.C.O.P.No.946 of 2019 seeking for dissolution of marriage and the same is pending before the Family Court at Visakhapatnam and the evidence of affidavit of the petitioner has been filed as PW.1 on 13.10.2022 and still as on today, the stage of the case is for cross-examination of PW.1; thus, there is no progress in the aforesaid case from the year 2022 to till date and that the petitioner is constrained to file this application.

3. Heard Sri G. R. Sudhakar learned counsel for the petitioner and heard Sri Gollamudi Naga Satyanarayana, learned counsel appearing for the respondent.

4. Remarks have been called for by this Court from the Presiding Officer, Principal Family Court-Cum-V Additional District Judge's Court, Visakhapatnam. It is submitted in the remarks submitted by the Presiding Officer that, due to Covid Pandemic period, the case was adjourned from time to time and she has resumed charge of the Family Court on 27.04.2023 and on 25.08.2023 she has recorded the cross-examination of PW.1 in part, thereafter, learned counsel for the respondent therein sought time for cross-examination on one ground or the other, and that she has appointed an Advocate Commissioner to record the cross-examination of PW.1.

5. The remarks submitted by the Presiding Officer of the Principal Family Court clearly goes to show that there is no progress in the aforesaid case against which the present Transfer Civil Miscellaneous Petition is filed. Though the said case proceedings are related to the year 2019 and though 05 years has been lapsed, there is no progress in the case in F.C.O.P.No.946 of 2019 and the said case has been stalled at the stage of cross-examination of PW.1.

6. It was submitted by the learned counsel on both sides that while comparing to the Principal Family Court, the pendency of the Additional Family Court is very less and the learned counsel for the respondent firmly conceded that he has no objection to transfer this case to the Additional Family Court since the matter pertains to the year 2019, some time limit may be fixed to the transferee Court for the disposal of the case.

7. On considering the request made by the learned counsel on both sides and on considering the entire material on record, I am of the considered view that there are grounds to consider the request of the petitioner to transfer the matter from the Family Court, Visakhapatnam to the Additional Family Court, at Visakhapatnam.

8. **In the result**, the Transfer Civil Miscellaneous Petition is allowed and the F.C.O.P.No.946 of 2019 on the file of the Family Court, at Visakhapatnam is hereby withdrawn and transferred to the Additional Family Court, at Visakhapatnam. The learned Principal Family Court Judge, Visakhapatnam shall transmit the case record in F.C.O.P.No.946 of 2019 to the Additional Family Court at Visakhapatnam, duly indexed as expeditiously as possible preferably within a period of two (02) weeks from the date of receipt of a copy of this order.

9. Learned Additional Family Court Judge at Visakhapatnam is directed to dispose of the F.C.O.P.No. 946 of 2019 within a period of four (04) months from the date of receipt of the record from the Principal Family Court.

10. Both the parties are directed to appear before the Additional Family Court at Visakhapatnam on 10.02.2025 at 10.30a.m.. 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/- A VENUGOPALA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Family Judge, at Visakhapatnam.

2. The Additional Family Court, at Visakhapatnam.
3. One CC to Sri G R Sudhakar, Advocate [OPUC]
4. One CC to Sri Gollamudi Nagasatyanarayana Advocate [OPUC]
5. Three CD copies.

Trt
sree

HIGH COURT

DATED:07/01/2025

ORDER

TRCMP.No.402 of 2024



ALLOWING THE TR.C.M.P. WITHOUT COSTS