APHC010374462026

IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI **[3606]**

(Special Original Jurisdiction)

FRIDAY, THE 9th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

TRANS. CIVIL MISC.PETITION NO: 220/2026

Between:

1. GUDEPU GOWTHAMI ALIAS YALAMACHILI GOWTHAMI,, W/O GIDEPU RAMA RAO,D/O LATE VENU GOPALA RAO, AGED ABOUT 38 YEARS R/O D. NO. 3-15-56, AADHARSHA NAGAR, RAJAHRRIUNDRY TOWN, EAST GODAVARI DISTRICT.

...PETITIONER

AND

1. GUDEPU RAMA RAO, S/O G B GOKUL DAS, AGED ABOUT 48 YEARS R/O FLA NO. 258, VASTRA NAGAR, NANDIVLUGU ROAD, GUNTUR, GUNTUR DISTRICT. 522001

...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 withdraw the FCOP No. 258/2024 on the file of the court of Judge, Family Court, Guntur, Guntur district and transfer the same to the court of Judge, Family Court, Rajahmundry, East Godavari district

IA NO: 1 OF 2026

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 grant stay of all further proceedings including appearance of Petitioner in the FCOP No. 258/2024 on the file of the court of judge Family Court cum XII Additional District judge, Guntur, Guntur District pending disposal of this Transfer petition in the interest of justice

Counsel for the Petitioner:

1. V S MALLIKHARJUNA KULADEEP THOKA

Counsel for the Respondent:

1. PUNNAM RAJU SARIKONDA

The Court made the following:

THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

TRANS. CIVIL MISC.PETITION No. 220 OF 2026

ORDER:

The petitioner, Ms. Gudepu Gowthami @ Yalamachili Gowthami, has filed the present Transfer Civil Miscellaneous Petition under Section 24 of the Code of Civil Procedure, 1908, seeking withdrawal of F.C.O.P.No.258 of 2024 from the file of the Family Court-cum-XII Additional District Judge, Guntur, and transfer the same to the Family Court-cum-IX Additional District Judge, Rajamahendravaram. The respondent is the husband of the petitioner.

2. Heard Sri V.S. Mallikharjuna Kuladeep Thoka, learned counsel for the petitioner and Ms. G.I. Priyadarshini, learned counsel representing Sri Punna Raju Sarikonda, learned counsel for the respondent.

Factual Matrix:

3. The marriage of the petitioner was solemnized with the respondent on 26.03.2015 at Rajahmundry as per Hindu rites and customs. The petitioner joined the respondent at Guntur to lead marital life. During their marital life, they were blessed with a male child, namely Mokshith Venkata Vignesh. Later, the attitude and behaviour of the respondent and his family members changed, and they allegedly harassed the petitioner physically and mentally. On 05.02.2024, the respondent wantonly sent the petitioner to her parents' house on the pretext of attending her younger sister's marriage, while retaining the child. Since then, he did not take her back and she has been staying with her parents.

4. The respondent filed F.C.O.P.No.258 of 2024 seeking dissolution of marriage before the Family Court at Guntur. The petitioner states that, having been left with no option, she lodged a complaint registered as Crime No.92 of 2025 at Mahila Police Station, Rajahmundry, for offences under Section 85

read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3 and 4 of the Dowry Prohibition Act, 1961. She also filed F.C.O.P.No.277 of 2025 on the file of the Judge, Family Court-cum-IX Additional District Judge, Rajamahendravaram, seeking maintenance at the rate of Rs.40,000/- per month. The respondent made his appearance and filed counter. The petitioner further filed Crl.M.P.No.26 of 2026 for interim maintenance, in which the Court, by order dated 21.04.2026, directed the respondent to pay Rs.8,000/- per month. But the respondent did not comply the said order. In F.C.O.P.No.258 of 2024, the petitioner entered appearance through counsel and filed her counter.

5. The reason assigned for seeking transfer is that the distance between Rajamahendravaram and Guntur is nearly 220 kilometres and the petitioner has to travel for each and every adjournment. The sister of the respondent is a practising Advocate, and the petitioner was threatened with the filing of cases against her. Further, there are cases pending at Rajamahendravaram which requires comprehensive adjudication and hence she filed the present petition.

Respondent's Case:

6. The respondent, on service of notice, has filed detailed counter opposing the petition. He admitted the marital relationship and the birth of the child but denied the other allegations. His contention is that the petitioner is arrogant and narrow minded. Within a few months of the marriage, she started harassing him. She did not adjust with his family. Though he waited with the fond hope that the petitioner would change, she did not change. Even after the birth of the child, she used to leave the matrimonial home without proper intimation and never used to come back. She went to attend her sister's marriage. Thereafter, she did not come back. Having been left with no option, he filed F.C.O.P.No.258 of 2024. He further states that his sister is an advocate at Guntur, a legal aid counsel and a trained mediator, and that she would not interfere in the family affairs. Hence, he sought to dismiss the petition.

Submissions of Learned Counsel for the Petitioner:

7. Learned counsel for the petitioner submitted that the petitioner is residing at Rajamahendravaram with her parents. She filed F.C.O.P. for maintenance as well as an application for interim maintenance. Though interim maintenance was granted, the respondent did not pay the amount. Whereas, the respondent filed the divorce petition before the Family Court at Guntur. The child born out of their wedlock is currently residing with the respondent. The petitioner has to travel nearly 220 kilometres to attend the Family Court at Guntur. The child in fact was forcibly taken away from the respondent. The petitioner has no sufficient source of income, whereas the respondent has sufficient resources but is wilfully not paying the amount.

Submissions of Learned Counsel for the Respondent:

8. Learned counsel for the respondent submitted that the child is with the respondent and is studying at Guntur. The respondent has ill health and is suffering from cardiac ailments. The petitioner herself went to attend her sister's marriage and did not return. The respondent has limited income, and he cannot travel all the way to Rajamahendravaram and spend money. Hence, learned counsel sought to dismissal of the petition.

9. I have heard learned counsel for the petitioner and learned counsel for the respondent and gone through the material available on record.

Discussion:

10. There is no dispute as to the marital relationship between the parties and the birth of the child. The marital differences have led to the filing of different cases at Guntur and Rajamahendravaram by the respective parties.

11. It appears from the pleadings that the petitioner has been residing at Rajamahendravaram since the year 2024. Undisputedly, the child is in the custody of the respondent. The distance between Guntur and Rajamahendravaram is around 220 kilometres. The petitioner has moved an

application seeking maintenance on the ground that she has no financial resources to support herself. It appears that the concerned Court has granted interim maintenance in her favour. However, according to the pleadings of the petitioner, the respondent has not paid the interim maintenance. The stage of the proceedings before the Court at Guntur is concerned, it appears that the petitioner has been attending the proceedings and the respondent has filed his chief affidavit as P.W.1.

12. The Family Courts at Guntur and Rajamahendravaram are established under the Family Courts Act, 1984. The said Courts are required to follow the procedure prescribed under the Act. Sections 8, 9 and 13 of the Family Courts Act, 1984 are relevant in this regard. Under Section 9, the Family Courts are required to make efforts for reconciliation between the parties and may require their personal presence for that purpose. However, the personal appearance of the parties on each and every adjournment is not prescribed.

13. In the case of **Krishna Veni Nagam v. Harish Nigam**[1], the Hon'ble Apex Court considered the use of video conferencing in matrimonial proceedings. With the advent of technology, virtual appearance of parties may be considered by the concerned Court in accordance with law. The assistance of legal practitioners under the Family Courts Act is subject to the provisions of Section 13 and the permission of the concerned Court.

14. In the present case, the specific contention of the petitioner is the distance is the criterion. She moved an application for maintenance in which interim maintenance, though granted, it was not paid. Whereas, the respondent contention is he is suffering with ailments, especially cardiac relief, cardiac ailments, and the child is in his custody. He has already filed his chief-affidavit. According to him, transfer in the middle of the proceedings is not required. However, the undisputed fact remains that the distance is quite cumbersome for either of the parties to travel. Both parties rely on travelling issues.

[1] 2017 (4) SCC 150

15. This Court observes that applications under Section 24 of the Code of Civil Procedure, 1908, are filed to withdraw and transfer of cases based on the places of residence of the respective parties, on the premise that the parties have to make their personal appearance on each and every adjournment before the Family Court. Section 9 of the Family Courts Act, 1984, does not contemplate that the personal appearance of all the parties is mandatory on each and every adjournment. It is for the concerned Court to take an appropriate decision. This Court has observed that the parties have not made requests before the concerned Courts to dispense with their personal appearance. Once they engage the assistance of learned counsel, they may seek appropriate directions from the concerned Courts.

16. Time and again, the parties are claiming that distance is the criterion and that it is difficult for them to attend the Family Courts due to transfers. It is not the Family Courts that are changing, but due to the husband and wife living separately, when the husband files a case, the wife seeks relief under Section 24 of the Code of Civil Procedure, 1908. In matters relating to family disputes, it is mandatory for the Family Court to initiate efforts and impress upon the parties the need for reconciliation. For that purpose, the personal presence of the parties is required. The legal position regarding online mediation or reconciliation has been considered by this Court in **Bheemisetti Suryanarayana v. Bheemisetti Mrudula Naga Bhavani**[2].

17. The appearance of parties before the Family Courts is not a penalization. The Family Courts Act, 1984, prescribes provisions for amicable reconciliation between the parties. It is with this laudable aim and object that the provisions have been incorporated for appearance of parties.

18. The parties are at liberty to seek appropriate directions from the concerned Courts in case of their specific difficulties. The financial status of the petitioner or the ill health of the respondent, i.e., the wife and husband

[2] 2026 Supreme(AP) 830

respectively, are matters that can be agitated before the concerned Family Courts. But these grievances are raised under Section 24 of the Code. Section 24 of the Code confers power upon the High Court or the District Courts, for consolidation of proceedings. Occasions may arise where the subject matters are one and the same, or where there are jurisdictional issues, apprehension of absence of a fair trial, where the indulgence under Section 24 of the Code is required. For other proceedings, the parties may approach the concerned Courts to mention their grievances.

19. Family matters are concerned, the legal position is that women in Indian society have limited resources to attend the Courts. The convenience of the wife was considered in **N.C.V. Aishwarya v. A.S. Saravana Karthik Sha**[3], **Sumita Singh v. Kumar Sanjay and another**[4]; **Rajani Kishor Pardeshi v. Kishor Babulal Pardeshi**[5], wherein the Hon'ble Supreme Court held as follows:

> "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 before 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 Indian society, generally, it is the wife's convenience which must be looked at while considering transfer."

20. In the case of **Geeta Heera v. Harish Chander Heera**[6]**, t**he Hon'ble Apex Court held that, because "if a wife does not have sufficient funds to visit the place where her husband files the divorce petition, then the transfer petition filed by the wife may be allowed."

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[3] 2022 SCC OnLine SC 119
[4] (2001) 10 SCC 41
[5] (2005) 12 SCC 237
[6](2000) 10 SCC 304

21. Reverting to the present facts of the case, the petitioner has raised three grounds: firstly, the distance; secondly, that she has no financial resources; and thirdly, that the sister of the respondent is practicing as an advocate, against whom she has an apprehension. This Court is not in agreement that the occupation of sister of respondent as an Advocate would create any apprehension. The other factual aspects cannot be looked into at this stage. However, the distance admittedly is quite long, which requires consideration. The distance would also be the same for the respondent. The respondent is having custody of the child. This requires balanced consideration. While considering, this can be addressed with the advent of technology, which can be used for the appearance of the parties through virtual mode.

22. The High Court of Andhra Pradesh has framed the Andhra Pradesh Electronic Communication and Video Conferencing Rules, 2026, *vide* Roc.No.575-A/SO/2026, dated 20.06.2026, published in the Andhra Pradesh Gazette on 05.08.2026. The said Rules provide for the use of video conferencing and other electronic communication facilities in judicial proceedings. Rule 5 permits the use of video conferencing at different stages of judicial proceedings, subject to the conditions prescribed therein.

23. Earlier, the High Court of Andhra Pradesh framed the Rules for Video Conferencing for Courts, 2023, published in the Andhra Pradesh Gazette dated 10.06.2023, vide Roc.No.415/2020-CPS, which came into force on 01.05.2024. Rule 3(i) provides that video conferencing facilities may be used at all stages of judicial proceedings and proceedings conducted by the Court.

24. It appears that the reconciliation process before the Family Court at Guntur has been completed. It’s coming for respondent evidence. In such a case, once the stage of reconciliation, as contemplated under Section 9 of the Family Courts Act, 1984, is completed, ordinarily, the personal presence of the parties is subject to directions of the Court on each and every adjournment.

25. There are cases already instituted against the respondent at Rajamahendravaram. Therefore, the proper forum where both cases can be dealt with together, and where the respondent is also required to attend as per the directions of the Court, is the Family Court at Rajamahendravaram.

26. Considering the distance and the fact that the respondent has not paid the interim maintenance despite the order granting the same, it would show that even if the petitioner is permitted to attend the Court at Guntur on payment of travelling expenses, such payment becomes questionable.

27. In the light of the above discussion, I am of the view that F.C.O.P.No.258 of 2024, filed by the respondent at Guntur, requires to be withdrawn and transferred to the Family Court at Rajamahendravaram. However, the personal appearance of the respondent can be dispensed with, except for reconciliation, mediation, recording of evidence, or whenever otherwise directed by the Court. The Family Court at Rajamahendravaram may pass appropriate orders, depending upon the circumstances, regarding the personal appearance of the respondent or may permit his appearance through virtual mode. The parties may make appropriate representations before the concerned Court.

28. In the circumstances, in the light of the above discussion and reasons, I am inclined to consider the present petition.

Result:

29 In the result, the Transfer Civil Miscellaneous Petition is allowed, with the following directions:

i. F.C.O.P.No.258 of 2024 is hereby withdrawn from the file of the Family Court-cum-XII Additional District Judge, Guntur, and transferred to the file of the Family Court-cum-IX Additional District Judge, Rajamahendravaram.

ii. The Family Court-cum-XII Additional District Judge, Guntur, is directed to transmit the entire record in F.C.O.P.No.258 of 2024, duly indexed, to the Family Court-cum-IX Additional District Judge, Rajamahendravaram, within a reasonable time.

iii. The Family Court-cum-IX Additional District Judge, Rajamahendravaram, upon receipt of the case records, shall renumber the case as per due procedure and, after giving due notice to both parties, proceed in accordance with law.

iv. The Family Court-cum-IX Additional District Judge, Rajamahendravaram, is further informed to pass appropriate orders on the personal appearance of the respondent-husband on each and every adjournment, unless his presence is required for reconciliation, mediation, recording of evidence, or whenever specifically directed by the Court, subject to circumstances of the case. May consider his appearance through virtual mode.

There shall be no order as to costs.

As a sequel, miscellaneous applications, if any, pending in this Transfer Civil Miscellaneous Petition shall stand closed.

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JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

Dated: 09.10.2026

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