APHC010642562025

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

MONDAY,THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO

TRANS. CIVIL MISC.PETITION NO: 388/2025

Between:

Varun Jeeri **...PETITIONER**

AND

Pujitha Jeeri **...RESPONDENT**

Counsel for the Petitioner:

1. G V S KISHORE KUMAR

Counsel for the Respondent:

1. SOORA VENKATA SAINATH

The Court made the following:

Reserved on 21.04.2026
Pronounced on 15.06.2026
Uploaded on 15.06.2026

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.388 of 2025

ORDER:

The petitioner/husband herein filed the present petition under Section 24 of the Code of Civil Procedure, 1908 (for short 'the C.P.C.'), seeking to withdraw F.C.O.P.No.209 of 2025 on the file of the Judge, Family Court-Cum-V Additional District Judge, Tirupati, and transfer the same to any other competent Family Court or to any Court trying matters under the Hindu Marriage Act in Chittoor District.

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

I. The petitioner is the husband of the respondent and their marriage has been solemnized on 10.05.2023. The petitioner further pleaded that he filed a divorce petition vide F.C.O.P.No.209 of 2025, based on the severe mental cruelty inflicted by the respondent/wife and that the petitioner is working as a software engineer in the USA since 2014. The petitioner further pleaded that after their marriage when they moved to the USA, the respondent/wife subjected the petitioner to severe cruelty and she was quarrelsome and used filthy language. The petitioner further pleaded that the respondent/wife was deeply and psychotically suspicious and used to throw objects in anger and isolated the petitioner/husband from his friends. The petitioner further pleaded that the respondent also showed immense cruelty towards the parents of the

petitioner and in view of this continuous and unbearable cruelty, mediation was made and the same failed.

II. The learned counsel for the petitioner contended that the petitioner has a reasonable and justifiable apprehension of bias from the learned V Additional District Judge, as the learned trial Judge is willfully frustrating the direct order of this Court in the present case. The petitioner further pleaded that the learned trial Judge directed the petitioner, who is staying in the USA, “to make arrangements for virtual mode” by himself and the said act of placing an impossible burden on the petitioner is an act of willful non-compliance and demonstrates a clear prejudice and that the petitioner is constrained to file the present petition seeking to withdraw F.C.O.P.No.209 of 2025 on the file of the Judge, Family Court-Cum-V Additional District Judge, Tirupati, and transfer the same to any other competent Family Court or to any Court trying matters under the Hindu Marriage Act in Chittoor District.

3. The respondent/wife filed the counter affidavit by denying the material allegations levelled in the affidavit of the petitioner/husband and the respondent pleaded as follows:

I. The respondent pleaded that she is the wife of the petitioner herein and they have shifted to the USA on the ground of employment of the petitioner herein and she has been meted out physical and psychological utmost cruelty at the hands of the petitioner herein due to his vices and other avocations and finally the petitioner herein deserted

the respondent/wife by leaving her at her parents' house on the guise of visiting his ill mother. The respondent further pleaded that the petitioner herein did not choose to appear before the Court in any manner to continue the proceedings, due to which the case has been posted from time to time. The respondent further pleaded that due to the protraction of proceedings of the above case, the respondent herein has filed another petition in F.C.O.P.No.200 of 2025, seeking maintenance for her livelihood and the same is pending for adjudication.

II. The respondent/wife further pleaded that she approached the trial Court for protecting her marital life and the petitioner herein has filed a petition vide F.C.O.P.No.209 of 2025, seeking grant of a decree of divorce, without contesting the cases filed by the respondent/wife and the divorce case filed by the petitioner is also pending for adjudication. The respondent/wife further pleaded that without attending the Court proceedings in the cases filed by her, the petitioner filed the present transfer petition seeking to withdraw F.C.O.P.No.209 of 2025 on the file of the Judge, Family Court-Cum-V Additional District Judge, Tirupati, and transfer the same to any other competent Family Court or to any Court trying matters under the Hindu Marriage Act in Chittoor District, as such, requested this Court to dismiss the transfer petition filed by the petitioner herein.

4. Heard Sri G.V.S.Kishore Kumar, learned counsel for the petitioner and Sri Soora Venkata Sainath, learned counsel for the respondent. Perused the material available on record.

5. The material on record reveals that the petitioner herein filed the petition under Section 13(1)(ia) of the Hindu Marriage Act, 1955 vide F.C.O.P.No.62 of 2025, on the file of the Family Court, Visakhapatnam, seeking dissolution of marriage between the petitioner and the respondent herein. Thereafter, the respondent herein filed a transfer petition vide Tr.C.M.P.No.124 of 2025 before this Court seeking to withdraw F.C.O.P.No.62 of 2025 on the file of the Family Court, Visakhapatnam, filed by the husband and to transfer the same to the Family Court at Tirupati. On hearing both sides, this Court allowed the said transfer civil miscellaneous petition vide Tr.C.M.P.No.124 of 2025 and the case in F.C.O.P.No.62 of 2025 on the file of the Family Court, Visakhapatnam, has been withdrawn and transferred to the Family Court at Tirupati, and the personal appearance of the petitioner herein i.e. the respondent in F.C.O.P.No.62 of 2025 has been dispensed with before the transferee Court i.e. the Family Court at Tirupati in connection with the said divorce case alone. The material on record further shows that the personal appearance of the petitioner herein has not been dispensed with in other two cases i.e. the cases filed by the respondent herein i.e. the petitioner/wife therein for restitution of conjugal rights and maintenance, which are pending before the Family Court at Tirupati. Subsequently, the said divorce case in F.C.O.P.No.62 of 2025 has been transferred to Family Court, at Tirupati and re-numbered as

F.C.O.P.No.209 of 2025 before the Family Court at Tirupati, where the other two (02) cases filed by the wife are pending.

6. The grounds urged by the petitioner for seeking transfer of the case in F.C.O.P.No.209 of 2025 on the file of the Family Court at Tirupati, are that the petitioner herein was directed to make arrangements for virtual hearing in the Family Court at Tirupati, since virtual hearing is not available in the Family Court at Tirupati. The petitioner herein further contended that while acknowledging the order of the High Court, the Presiding Officer of the Family Court at Tirupati stated that the Video Conferencing Mode is not available in the Family Court at Tirupati, and that the Presiding Officer of the Family Court at Tirupati directed the petitioner herein to make arrangements for virtual hearing himself, and the act of placing an impossible burden on the petitioner herein i.e. an act of willful non-compliance and demonstrates a clear prejudice. Perused the e-Courts status of the proceedings in F.C.O.P.No.209 of 2025, which is pending before the Family Court at Tirupati. As seen from the case proceedings in F.C.O.P.No.209 of 2025 dated 08.10.2025, 24.10.2025 and 09.11.2025, the learned Judge, Family Court at Tirupati, has not insisted upon the personal appearance of the petitioner herein i.e. the petitioner/husband in the divorce case. This Court directed the Registry to obtain information from the Judge, Family Court at Tirupati, whether the Video Conferencing facility is available in the Family Court at Tirupati. The Registry received a report dated 11.12.2025 from the Family Court at Tirupati, wherein the Presiding Officer of the Family Court at Tirupati asserted that "*the Video*

Conferencing facility has been installed in the Public Court of the Family Court at Tirupati, by fixing the required material on the evening of 10.12.2025, and also providing Video Conferencing ID and Passcode".

7. The learned counsel for the petitioner would contend that in another case i.e. in F.C.O.P.No.176 of 2025, the petitioner herein was directed by the Family Court, Tirupati, to appear physically before the Family Court at Tirupati. As noticed supra, the said direction of the trial Court is in no way relevant to the facts of the present transfer civil miscellaneous petition because this Court has not exempted the personal appearance of the petitioner herein in F.C.O.P.No.176 of 2025.

8. Learned counsel for the petitioner relied on the case law of the High Court of Madras in ***G.Shrilakshmi Vs. Anirudh Ramkumar, vide*** **C.R.P.Nos.1994 & 89 of 2024 and C.M.P.No.12451 of 2024 in C.R.P.No.1800 of 2024.**

Learned counsel for the petitioner relied on the case law of the Hon'ble Apex Court in ***Amardeep Singh Vs. Harveen Kaur***[1]**.**

Learned counsel for the petitioner relied on the case law of the Hon'ble Apex Court in ***Anuradha Bhashin Vs. Union of India***[2]**.**

Learned counsel for the petitioner relied on the case law of the High Court of Delhi in ***Reena Chadha & Anr. Vs. Government of NCT of Delhi***[3]**.**

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[1] **(2017) 8 SCC 746**
[2] **(2020) 3 SCC 637**

Learned counsel for the petitioner relied on the case law of the High Court of Madras in ***S.Venkataraman Vs. L.Vijayasaratha***[4]**.**

Learned counsel for the petitioner relied on the case law of the High Court of Allahabad in ***Prabhat Narain Tickoo Vs. Mamta Tickoo and Ors.***[5]

Learned counsel for the petitioner relied on the case law of the Hon'ble Apex Court in ***Santhini Vs. Vijaya Venkatesh***[6]**.**

Learned counsel for the petitioner relied on the case law of the High Court of Gujarat in ***Palakben Ravi Luni D/o. Dhamasibhai Gobarbhai Rabari & Anr. Vs. None, R/Special Civil Application No.2494 of 2026*****.**

The facts in the aforesaid case laws are not at all applicable to the facts of the present case. Here, the personal appearance of the petitioner herein was dispensed with in connection with the case in F.C.O.P.No.209 of 2025, on the file of the Family Court, at Tirupati, (previously, F.C.O.P.No.62 of 2025, on the file of the Family Court at Visakhapatnam) and his personal appearance has not been dispensed with in the other two cases by this Court in a transfer civil miscellaneous petition filed by the wife vide Tr.C.M.P.No.124 of 2025. Moreover, the grounds urged by the petitioner for seeking transfer of the case in F.C.O.P.No.209 of 2025, are that he is having reasonable apprehension that he will not receive any fair and impartial trial and more particularly, the Presiding Officer of the Family Court at Tirupati, is exhibiting high restlessness

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[3] **(2021) SCC OnLine Del 4336**
[4] **(1996) 2 LW 222**
[5] **(1998) 33 ALR 253**
[6] **(2018) 1 SCC 1**

for taking up the matter for the reason that the petitioner herein has approached the High Court seeking exemption from his personal appearance in the Court proceedings. The aforesaid apprehension of the petitioner herein is baseless and no prima facie evidence has been placed by the petitioner/husband herein that the Presiding Officer of the Family Court at Tirupati, is acting unfairly and influenced by some extraneous considerations. As stated supra, "*mere apprehension is not a ground for seeking transfer of a case from one Court to another Court*".

9. The petitioner herein is seeking transfer of the case in F.C.O.P.No.209 of 2025 on the file of the Judge, Family Court-Cum-V Additional District Judge, Tirupati, and transfer the same to any other competent Family Court or to any Court trying matters under the Hindu Marriage Act in Chittoor District. The respondent/wife herein is residing at Tirupati and she also instituted other two (02) cases i.e. for maintenance and for restitution of conjugal rights. The petitioner/husband herein is residing in the United States of America and the respondent/wife is residing at Tirupati, where the other two (02) cases are pending. As noticed supra, the Judge, Family Court, Tirupati, never instructed the petitioner herein to appear physically in F.C.O.P.No.209 of 2025. As stated supra, even though the case in F.C.O.P.No.209 of 2025 is transferred from Tirupati to any other competent Court in Chittoor District, the same is not at all convenient to either of the parties. On considering the report submitted by the Judge, Family Court at Tirupati, since the Video Conferencing facility was installed in the Family Court at Tirupati on 10.12.2025, therefore, this

Court is of the considered view that the purpose of filing the present transfer civil miscellaneous petition has become infructuous because the learned Judge, Family Court at Tirupati, never instructed the petitioner/husband herein to appear physically in connection with F.C.O.P.No.209 of 2025 before the Family Court at Tirupati, relating to the present transfer civil miscellaneous petition. Therefore, the apprehension of the petitioner/husband herein that he will not receive any fair and impartial trial is baseless and the present transfer petition is devoid of merit.

10. In the result, the present transfer civil miscellaneous petition is **dismissed**. 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: 15.06.2026
SRT