

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO
TRANSFER CIVIL MISCELLANEOUS PETITION No.95 of 2026

ORDER:

Today, when the matter has been taken up for hearing, learned counsel for the petitioner submitted that, proof of service Memo has been filed before the Registry on 24.04.2026 *vide* U.S.R.No.49160 of 2026, along with the Postal Track Consignment Sheet downloaded from the Postal Department Website and the same has been placed on record. As per the Postal Track Consignment Sheet, the registered notice sent to the respondent and the same was served on 13.04.2026. Despite service of notice, there is no representation on behalf of respondent. Therefore, 'service held sufficient'.

2. The petitioner/wife herein filed the present petition under Section 24 of the Code of Civil Procedure, 1908 (for short, 'the C.P.C.'), seeking transfer F.C.O.P.No.200 of 2024, on the file of IV Additional District Judge-cum-Family Court, Kurnool, to the file of the Family Court at Vijayawada for trial and disposal.

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

i. The petitioner is the legally wedded wife of the respondent/husband, and their marriage was solemnized on 03.11.2022, Vijayawada, as per Christian Rights and customs. Thereafter, due to matrimonial disputes between the parties, the petitioner/wife has been residing separately in Vijayawada.

ii. The petitioner pleaded that she lodged a complaint before the Patamata police station and after investigation police has registered an FI.R and the same was numbered as C.C.No.3328 of 2024 before the learned IV Additional Metropolitan Magistrate, Vijayawada and she has filed D.V.C.No.174 of 2024, on the file of learned I Additional Chief Metropolitan Magistrate, Vijayawada and she further stated that she has also filed a maintenance case *vide* F.C.O.P.No.398 of 2024, on the file of the Family Court at Vijayawada, and the same are pending adjudication.

iii. The petitioner further pleaded that the respondent/husband, to cause inconvenience to the petitioner, filed F.C.O.P.No.200 of 2024, on the file of learned IV Additional District Judge-cum-Family Court, Kurnool, seeking dissolution of marriage under Section 32 of Divorce Act, 1869 read with Section 7 (4) of the Family Courts Act, 1984, and the same is pending for adjudication. The petitioner further pleaded that it is very difficult for the petitioner/wife to appear before the learned IV Additional District Judge-cum-Family Court, Kurnool, on each and every adjournment without any male assistance, and that she is constrained to file this petition.

4. Heard learned counsel for the petitioner.
5. Perused the material available on record.
6. The material on record *prima facie* shows that, in view of the matrimonial disputes between the parties, the petitioner/wife has been

residing separately at Vijayawada. The material on record further discloses that the respondent/husband filed a divorce petition against the petitioner/wife *vide* F.C.O.P.No.200 of 2024, on the file of learned IV Additional District Judge-cum-Family Court, Kurnool, under Section 32 of Divorce Act, 1869 read with Section 7 (4) of the Family Courts Act, 1984, and the same is pending adjudication. The material on record further discloses that the petitioner lodged a complaint before the Patamata police station and after investigation police has registered an F.I.R and the same was numbered as C.C.No.3328 of 2024 before the learned IV Additional Metropolitan Magistrate, Vijayawada and she has filed D.V.C.No.174 of 2024, on the file of learned I Additional Chief Metropolitan Magistrate, Vijayawada and she has also filed a maintenance case *vide* F.C.O.P.No.398 of 2024, on the file of the Family Court at Vijayawada, and the same are pending adjudication

7. The Apex Court in a case of ***GEETA HEERA Vs HARISH CHANDER HEERA***¹, held by considering the fact that “if a wife does not have sufficient funds to visit the place where the divorce petition is filed by her husband, then the transfer petition filed by the wife may be allowed.”

8. The Apex Court in a case of ***N.C.V. Aishwarya Vs A.S.Saravana Karthik Sha***² held as follows:

“9. 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

¹(2000) 10 SCC 304

² 2022 LiveLaw (SC) 627

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

9. On considering the submissions made by the learned counsel for the petitioner and in view of the ratio laid down in the aforesaid case laws that, in matrimonial proceedings, the convenience of the wife has to be taken into consideration rather than the inconvenience of the husband and therefore, I am of the considered view that there are justifiable grounds to consider the request made by the petitioner/wife seeking transfer of F.C.O.P.No.200 of 2024, on the file of learned IV Additional District Judge-cum-Family Court, Kurnool, to the file of Principal Family Court, Vijayawada.

10. In the result, the present Transfer Civil Miscellaneous Petition is allowed and F.C.O.P.No.200 of 2024, on the file of learned IV Additional District Judge-cum-Family Court, Kurnool, is hereby withdrawn and transferred to the file of the Principal Family Court, Vijayawada. The learned IV Additional District Judge-cum-Family Court, Kurnool, shall transmit the case record in F.C.O.P.No.200 of 2024 to the file of the Principal Family Court, Vijayawada, as expeditiously as possible, preferably within a period of two (02) weeks from the date of receipt of a copy of this order. 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: 29.04.2026

JLSR

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.95 of 2026

Date: 29.04.2026

JLSR