

APHC010642592025



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

[3397]

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: 387/2025

Between:

Varun Jeeri

...PETITIONER

AND

Siddavatam Pujitha Alias 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:

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.387 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.176 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:
 1. 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, Tirupati, 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.176 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 leveled 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 due to continuous absence of the petitioner herein in both the cases, the learned trial Judge, by its order dated 09.11.2025, had set *ex-parte* the petitioner and with a view to curtail the court proceedings in the aforesaid cases filed by the respondent, the petitioner herein have completely deserted her and against the order dated 09.11.2025, the petitioner herein have filed a criminal revision case *vide* CrI.R.C.No.1269 of 2025, before this Court and obtained interim order in his favour and the same is pending for adjudication. The respondent 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.176 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 available on record shows that the respondent/wife herein filed a petition under Section 9 of the Hindu Marriage Act, 1955 vide F.C.O.P.No.176 of 2025, on the file of the Family Court at Tirupati, seeking restitution of conjugal rights and the petitioner herein is the respondent in the said case and the relationship between both the parties is not in dispute.

6. The grounds urged by the petitioner/husband for seeking transfer of F.C.O.P.No.176 of 2025 are that the Judge, Family Court at Tirupati, is exhibiting high restlessness for taking up this matter for the reason that the petitioner herein has approached the High Court seeking exemption from his personal appearance in the Court proceedings in Tr.C.M.P.No.124 of 2025. As noticed supra, the transfer civil miscellaneous petition vide Tr.C.M.P.No.124 of 2025 was filed by the respondent/wife herein in connection with the divorce case filed by the husband before the Judge,

Family Court at Visakhapatnam, but, the petitioner herein has not approached this Court seeking to dispense with his personal appearance in any other case. As the present transfer civil miscellaneous petition relates to the case proceedings in F.C.O.P.No.176 of 2025, which is now pending before the Family Court at Tirupati. As seen from the case proceedings in F.C.O.P.No.176 of 2025, before the Family Court at Tirupati, dated 22.09.2025, the father of the petitioner herein i.e. the respondent therein was present and requested time for the appearance of his son, who is the respondent in the said case and at his request, the said case was posted to 24.10.2025. On 24.10.2025, the learned Judge, Family Court at Tirupati, directed the petitioner herein i.e. the respondent therein to appear before the Family Court at Tirupati, on 09.11.2025, in connection with the case in F.C.O.P.No.176 of 2025. Against the said order dated 09.11.2025, a Civil Revision Petition vide C.R.P.No.3048 of 2025 was filed by the petitioner before the learned Judge of this Court and the same is pending for adjudication. As noticed supra, the personal appearance of the petitioner herein i.e. the respondent in F.C.O.P.No.176 of 2025, has not been dispensed with in the case in F.C.O.P.No.176 of 2025 in a transfer civil miscellaneous petition filed by the wife vide Tr.C.M.P.No.124 of 2025.

7. 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.

Learned counsel for the petitioner relied on the case law of the High Court of Madras in ***S.Venkataraman Vs. L.Vijayasaritha***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. The personal appearance of the petitioner herein was dispensed with in connection with the case in F.C.O.P.No.209 of 2025

¹ (2017) 8 SCC 746

² (2020) 3 SCC 637

³ (2021) SCC OnLine Del 4336

⁴ (1996) 2 LW 222

⁵ (1998) 33 ALR 253

⁶ (2018) 1 SCC 1

(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.176 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 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 in another case. 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*".

8. The material on record reveals that the personal appearance of the petitioner herein has not been dispensed with in the present case by this Court in Tr.C.M.P.No.124 of 2025. The grounds urged by the petitioner herein for seeking transfer of F.C.O.P.No.176 of 2025, on the file of the Family Court at Tirupati, to any other competent Family Court or to any Court trying matters under the Hindu Marriage Act in Chittoor District are that, the Judge, Family Court at Tirupati, is exhibiting high restlessness for taking up this matter for

the reason that the petitioner herein has approached the High Court seeking exemption from his personal appearance in the Court proceedings. The petitioner herein has not approached this Court by filing a transfer petition for seeking exemption of his personal appearance before the Family Court, at Tirupati. The respondent herein approached this Court by filing a transfer petition *vide* Tr.C.M.P.No.124 of 2025 in connection with the divorce case filed by husband before the Family Court, at Visakhapatnam. The same is allowed by this Court and the personal appearance of the petitioner herein is exempted in the said case only i.e. in F.C.O.P.No.209 of 2025. The aforesaid apprehension of the petitioner/husband herein that he will not receive any fair and impartial trial is baseless and no prima facie material has been placed by the petitioner/husband that the Presiding Officer of the Family Court at Tirupati, is acting unfairly 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". Moreover, the petitioner herein is residing in the United States of America, whereas the respondent herein is residing at Tirupati, where all the three (03) cases are now pending before the Family Court at Tirupati. As stated supra, even though the case in F.C.O.P.No.176 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. Moreover, the petitioner herein has filed C.R.P.No.3048 of 2025 before the learned Judge of this Court against the orders passed in F.C.O.P.No.176 of 2025 dated 09.11.2025 and the same is pending for

adjudication. For the aforesaid reasons, I do not find any subsistence in the contention taken by the petitioner and the present transfer civil miscellaneous petition is devoid of merit.

9. 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