APHC010077802024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3520]**
(Special Original Jurisdiction)

FRIDAY, THE 14th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

TRANS. CIVIL MISC.PETITION NO: 82 OF 2024

Between:

1. R VASUDHA @ KANTE VASUDHA, W/O RAMAYANAM SIVAIAH, D/O KANTE REDDAIAH, AGED ABOUT 28 YEARS, RESIDENT OF BAZAR STREET, PEDDACHAPPALI VILLAGE, KAMALAPURAM MANDAL, KADAPA DISTRICT.

...PETITIONER

AND

1. RAMAYANAM SIVAIAH, S/o R. Jayaramaiah, Aged about 32 years. Resident of D. No. 10-57, KARAKAMBADI, Renigunta Mandal, Tirupati District- Pin 517520

...RESPONDENT

Counsel for the Petitioner:

1. NARIKAL PRABHAKAR

Counsel for the Respondent:

1. O UDAYA KUMAR

The Court made the following:

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ORDER:

1. Petitioner is wife and respondent is her husband.

2. For the sake of convenience, parties will be referred to as wife and husband.

3. Husband filed H.M.O.P.No.108 of 2023 before the Principal Civil Judge (Senior Division) Court, Tirupati, Chittoor District with a prayer for dissolution of marriage and for grant of divorce.

4. Wife filed the present application seeking withdrawal of H.M.O.P.No.108 of 2026 from the file of Principal Civil Judge (Senior Division) Court, Tirupati, Chittoor District and to transfer the same to the file of Additional Civil Jude (Senior Division) Court, Kadapa.

5. Wife is seeking transfer on the grounds:-

i. She is living with her parents due to matrimonial differences.

ii. She is having minor daughter depending on her.

iii. Cases vide C.C.No.328 of 2023 and D.V.C.No.9 of 2023 are pending on the file of Judicial Magistrate of I Class Court, Kamalapuram, Kadapa District against the respondent – husband.

iv. Since she is not having any financial or physical support from anybody, she is unable to travel from Kadapa to Tirupati.

6. Objections submitted on behalf of respondent are that:-

i. The respondent has an obligation and duty towards his old aged parents.

ii. Respondent is eking out his livelihood by running Auto.

iii. It will be equally difficult for the respondent – husband to travel from Tirupati to Kadapa.

7. Upon considering the facts asserted by both sides counsel on record and upon considering the factual scenario, nature of litigation in between the parties and the legal position with regard to considering the forum convenience in a matrimonial litigation as per the observations of the Honourable Apex Court in–

i) **GEETHA HEERA Vs HARISH CHANDER HEERA**[1] 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".

ii) **N.C.V. Aishwarya Vs A.S.Saravana Karthik Sha**[2] at para No.9:

> "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 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."

[1] (2000) 10 SCC 304
[2] 2022 LiveLaw (SC) 627

the prayer in the petition for transfer of the case from the file of learned Principal Civil Judge (Senior Division) Court, Tirupati, Chittoor District is found convincing.

8. In view of the reasons stated above, the Petition is disposed of as follows:

i. H.M.O.P.No.108 of 2023 is withdrawn from the file of learned Principal Civil Judge (Senior Division) Court, Tirupati, Chittoor District and transferred to the file of learned Additional Civil Judge (Senior Division) Court, Kadapa.

ii. Learned Principal Civil Judge (Senior Division), Tirupati, is directed to transmit the case records forthwith, duly indexed.

iii. Learned Additional Civil Judge (Senior Division), Kadapa, is directed to dispose of the case as per law, by giving fair opportunity to both parties, as expeditiously as possible.

iv. Before proceeding further, learned Additional Civil Judge (Senior Division), Kadapa, may explore the possibility of settlement in between the parties by way of conciliation.

v. The Additional Civil Judge (Senior Division), Kadapa, is directed not to insist the presence of the respondent-husband, unless it is necessary for the purposes like his evidence and conciliation process and his request, if

any, for dispensing his appearance may be considered, if, it is on any reasonable grounds and his counsel is present and ready to cooperate for the progress of the case.

vi. Both parties are directed to cooperate for speedy and expeditious disposal of the case.

9. Accordingly, the Transfer Civil Miscellaneous Petition is disposed of. No costs.

Consequently, pending miscellaneous applications, if any, shall stand closed.

SRI JUSTICE A.HARI HARANADHA SARMA,

Dated 14.08.2026
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Whether the order is :

Speaking: Yes Reasoned : Yes
Reportable: No Non-Reportable: Yes

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THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

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Dated:14.08.2026.

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