IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE SIXTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

HONOURABLE SRI JUSTICE V. GOPALA KRISHNA RAO

**TRANSFER CIVIL MISCELLANEOUS PETITION No.59 of 2025**

**Between:**

A. Charishma, W/o. A.Laxman, D/o. G. Anjaneyulu, Aged about 26 years, Hindu, House wife, R/o. H.No.51-5-2458, at near auto stand, Seetharam Nagar, Kurnool.

...Petitioner

AND

A. Laxman, S/o. A. Narasimhulu, Aged about 31 years, Hindu, Daily Labour, R/o.D.No.5/365, Sanjay Nagar, Dharmavaram Town and Mandal, Sri Sathaya Sai District.

...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 to withdraw the case the H.M.O.P.No.168/2023 on the file of the Hon'ble Senior Civil Judge, Darmavaram to the Hon'ble Senior Civil Judge, Kurnool or Family Court- cum- IV Additional District Civil Judge Court, Kurnool.

**IA NO: 1 OF 2025**

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 stay all further proceedings including appearance of the

petitioner in H.M.O.P.No.168/2023 on the file of the Hon'ble Senior Civil Judge, Dharmavaram pending disposal of the Transfer petition.

**Counsel for the Petitioner : Sri G Sravan Kumar**

**Counsel for the Respondent : none appeared**

**The Court made the following Order:**

THE HON'BLE SRI JUSTICE V.GOPALA KRISHNA RAO

**TRANSFER CIVIL MISCELLANEOUS PETITION No.59 of 2025**

**ORDER:**

Today when the matter is taken up for hearing, Sri G.Sravan Kumar, learned counsel for the petitioner has represented that the proof of service memo dated 09.04.2025, along with the postal track consignment sheet before the Registry and the same is placed on the record. As per the said postal track consignment sheet, the registered notice sent to the respondent by the learned counsel for the petitioner was served on him on 12.03.2025. But, none appeared for the respondent. Therefore, service held sufficient

2. The petitioner/wife filed the present petition under Section 24 of the Code of Civil Procedure, 1908, seeking to withdraw H.M.O.P.No.168 of 2023, on the file of the Senior Civil Judge, Darmavaram and transfer the same to the Senior Civil Judge Court, Kurnool or to the Family Court-Cum-IV Additional District Judge Court, Kurnool.

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

I. The petitioner is the legally wedded wife of the respondent and their marriage has been performed at Darmavaram on 09.12.2022. In view of the matrimonial disputes between both the parties, the petitioner/wife is staying at her parents' house at Seetharam Nagar, Kurnool. The petitioner pleaded that she had lodged a complaint before the Women Police Station, Kurnool, against the

respondent/husband under Section 85 r/w 3(5) of BNS and under Section 4 of the Dowry Prohibition Act vide Cr.No.97 of 2024, the same was numbered as C.C.No.1785 of 2024, on the file of the I Additional Junior Civil Judge, Kurnool and the respondent/husband is attending the Court proceedings in the aforesaid case before the competent court at Kurnool. The petitioner contend that to cause inconvenience to her, the respondent/husband filed H.M.O.P.No.168 of 2023, on the file of the Senior Civil Judge, Darmavaram, under Section 13(1)(ia) of the Hindu Marriage Act, 1955 seeking for dissolution of marriage.

II. Learned counsel for the petitioner further contended that the petitioner being a woman, depending upon the mercy of her parents, it is very difficult for her to travel at a distance of more than 195Kms from Kurnool to Darmavaram without any male support and that she was constrained to file the present petition against the respondent/husband seeking to withdraw H.M.O.P.No.168 of 2023, on the file of the Senior Civil Judge, Darmavaram and transfer the same to the Senior Civil Judge Court, Kurnool or to the Family Court-Cum-IV Additional District Judge Court, Kurnool.

4. Heard Sri G.Sravan Kumar, learned counsel for the petitioner. Though notice has been served on the respondent, none appeared for the respondent. Perused the material available on record.

5. The material on record *prima facie* goes to show that the petitioner/wife had filed a criminal case against the respondent/husband vide Cr.No.97 of 2024 and the same was numbered as C.C.No.1785 of 2024, on the file of the I Additional Junior

Civil Judge, Kurnool, wherein the respondent/husband is attending the Court proceedings in the aforesaid case. The respondent/husband has filed H.M.O.P.No.168 of 2023, on the file of the Senior Civil Judge, Darmavaram, under Section 13(1)(ia) of the Hindu Marriage Act, 1955 seeking for dissolution of marriage.

6. 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."

7. 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 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."*

8. 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 considered than that

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

of the inconvenience of the husband. Therefore, this Court is of the considered view that there are grounds to consider the request of the petitioner/wife to withdraw H.M.O.P.No.168 of 2023, on the file of the Senior Civil Judge, Darmavaram and transfer the same to the Family Court-Cum-IV Additional District Judge Court, Kurnool.

9. In the result, the present petition is allowed and H.M.O.P.No.168 of 2023, on the file of the Senior Civil Judge, Darmavaram, is hereby withdrawn and transferred to the Family Court-Cum-IV Additional District Judge Court, Kurnool. The Senior Civil Judge, Darmavaram, shall transmit the case record in H.M.O.P.No.168 of 2023 to the Family Court-Cum-IV Additional District Judge Court, Kurnool duly indexed as expeditiously as possible preferably within a period of two (02) weeks from the date of receipt of a copy of the 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.

**Sd/- K SRINIVASA RAJU**
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To**

1. The Family Court- cum- IV Additional District Judge, Kurnool, Kurnool District.
2. The Senior Civil Judge, Darmavaram, Ananthapuram District.
3. One CC to Sri G Sravan Kumar, Advocate [OPUC]
4. **Three CD Copies**

TK

vna

HIGH COURT

DATED:16/04/2025

ORDER

TRCMP.No.59 of 2025




ALLOWING THE TRANSFER CIVIL MISCELLANEOUS PETITION