IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANS. CIVIL MISC.PETITION NO: 290 OF 2024

Between:

Jammu Durga Bhavani, W/o. Chennamsetty Murali, Aged: 26 years, Occ: House-wife, R/o. D.No. 13/433, Patimeeda Street, Gudivada, Krishna District.

...Petitioner

AND

Chennamsetty Murali, S/o. Krishnaiah, Aged 37 years, Occ: Cultivation, R/o. Yallayapalli Village, Obulavaipalli Mandal, Annamayya, 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 withdrawal of H.M.O.P. No. 149 of 2023 on the file of the court of Senior Civil Judge, Rajampet, kadapa District and transfer the same to the court of Senior Civil Judge, Gudivada, Krishna District for trial and disposal of the case.

IA NO: 1 OF 2024

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 of all further proceedings including appearance of the petitioner in H.M.O.P No 149 of 2023 pending on the file of the Hon'ble court of the Senior Civil Judge at Rajampet, Kadapa District pending disposal of the Transfer C.M.P

Counsel for the Petitioner: SMT. PASALAPUDI SATYA HARITHA

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.290 of 2024

ORDER:

Today when the matter is taken up for hearing, Ms. Satya Haritha Pasalapudi, learned counsel for the petitioner has represented that the proof of service memo along with the postal track consignment sheet is filed 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. 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.149 of 2023, on the file of the Senior Civil Judge Court at Rajampeta, Kadapa District and transfer the same to the Senior Civil Judge Court, Gudivada, Krishna District.

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 Annavaram on 17.04.2022 as per Hindu rites and customs. In view of the matrimonial disputes between both the parties, the petitioner/wife is staying at her parents' house at Gudivada, Krishna District. The petitioner pleaded that she had lodged a complaint before the Gudivada I Town Police Station, Gudivada vide

Cr.No.264 of 2022, under Section 498-A IPC r/w Sections 3 & 4 of the Dowry Prohibition Act, the same is numbered as C.C.No.542 of 2023, on the file of the Additional Judicial First Class Magistrate, Gudivada and the same is pending against the respondent/husband. The petitioner contend that to cause inconvenience to her, the respondent/husband filed H.M.O.P.No.149 of 2023, on the file of the Senior Civil Judge Court at Rajampeta, Kadapa District, 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 her parents, it is very difficult for her to travel at a distance of more than 400Kms from Gudivada, Krishna District to Rajampeta, Kadapa District 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.149 of 2023, on the file of the Senior Civil Judge Court at Rajampeta, Kadapa District and transfer the same to the Senior Civil Judge Court, Gudivada, Krishna District.

4. Heard Ms. Satya Haritha Pasalapudi, 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 498-A IPC case r/w Sections 3 & 4 of the Dowry Prohibition Act

against the respondent/husband and the same is numbered as C.C.No.542 of 2023, on the file of the Additional Judicial First Class Magistrate, Gudivada, wherein the respondent/husband is attending the Court proceedings in the aforesaid case.

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 law that in matrimonial proceedings, the convenience of the wife has to be considered than that of the inconvenience of the husband. Therefore, this Court is of the

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

considered view that there are grounds to consider the request of the petitioner/wife to withdraw H.M.O.P.No.149 of 2023, on the file of the Senior Civil Judge Court at Rajampeta, Kadapa District and transfer the same to the Senior Civil Judge Court, Gudivada, Krishna District.

9. In the result, the present petition is allowed and H.M.O.P.No.149 of 2023, on the file of the Senior Civil Judge Court at Rajampeta, Kadapa District, is hereby withdrawn and transferred to the Senior Civil Judge Court at Gudivada, Krishna District. The Senior Civil Judge Court at Gudivada, Krishna District shall transmit the case record in H.M.O.P.No.149 of 2023 to the Senior Civil Judge Court at Rajampeta, Kadapa District 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 Civil Judge (Senior Division), Rajampet, Kadapa District.
2. The Civil Judge (Senior Division), Gudivada, Krishna District.
3. The Additional Judicial First Class Magistrate, Gudivada, Krishna District.
4. The Station House Officer, Gudivada I Town Police Station, Krishna District.
5. One CC to Sri Pasalapudi Satya Haritha, Advocate [OPUC]
6. **Three CD Copies**

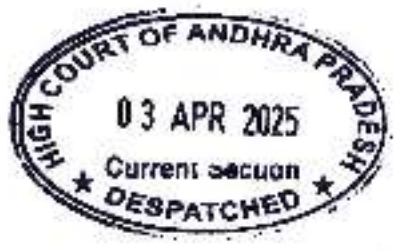
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HIGH COURT

DATED:24/03/2025

ORDER

TRCMP.No.290 of 2024



ALLOWING THE TRCMP