IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE FIFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE SRI JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO

TRANS. CIVIL MISC.PETITION NO: 374 OF 2024

Between:

Reddyvari Mounika, W/o. Munagala Damodar Reddy, Age 29 Years, Occ. House Wife, R/o 1-61, Chinthala Palle Village, Miduthur Mandal, Nandyala District ..

...PETITIONER/PETITIONER/RESPONDENT

AND

Munagala Damodar Reddy, S/o. Munagala Gowri Sankar Reddy, Aged 29 Years, Occ. Software Employee, R/o 1-87, OC Colony, Yallur Village, Gospadu Mandal, Nandyala District ..

...RESPONDENT/RESPONDENT/PETITIONER

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 HMOP.No.26 of 2024 on the file of Hon'ble Principal Senior Civil Judge Allagadda and transfer the same to Hon'ble Principal Senior Civil Judge Nandikotkur.

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 all further proceedings in HMOP.No.26 of 2024 on the file of Hon'ble Principal Senior Civil Judge, Allagadda.

IA NO: 2 OF 2024

Between:

Munagala Damodar Reddy, S/o. Munagala Gowri Sankar Reddy, Aged 29 Years, Occ. Software Employee, R/o 1-87, OC Colony, Yallur Village, Gospadu Mandal, Nandyala District.

...PETITIONER/RESPONDENT

AND

Reddyvari Mounika, W/o. Munagala Damodar Reddy, Age 29 Years, Occ. House Wife, R/o 1-61, Chinthala Palle Village, Miduthur Mandal, Nandyala District ..

...RESPONDENT/PETITIONER

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 Vacate the Interim order passed by this Hon'ble Court in TRCMP.No.374 of 2024 dated: 15.11.2024.

Counsel for the Petitioner : SRI N CHANDRA SEKHAR REDDY

Counsel for the Respondents : SRI CHALLA AJAY KUMAR

The Court made the following ORDER :

THE HON'BLE SRI JUSTICE V.GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.374 of 2024

ORDER:

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.26 of 2024, on the file of the Principal Senior Civil Judge, Allagadda and transfer the same to the Principal Senior Civil Judge, Nandikotkur.

2. 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 Nandyal on 14.04.2022 as per Hindu rites and customs. During their wedlock, the petitioner and the respondent were blessed with a son aged about nine (09) months. In view of the matrimonial disputes between both the parties, the petitioner/wife along with her son is staying at her parents' house at Chintapalle Village, Miduthur Mandal, Nandyala District. The petitioner pleaded that she had lodged a complaint under Sections 498-A, 506 r/w 34 IPC and under Sections 3 & 4 of the Dowry Prohibition Act and the same was numbered as C.C.No.118 of 2024, on the file of the Judicial First Class Magistrate, Allagadda, Nandyala District against the

respondent/husband and his family members, which is pending for adjudication. The petitioner further pleaded that she had filed a Maintenance Case *vide* M.C.No.13 of 2024 and a Domestic Violence Case *vide* D.V.C.No.3 of 2024, on the file of the Judicial First Class Magistrate, Nandikotkur, and the respondent/husband is attending the Court proceedings in the aforesaid and the same are pending for adjudication. The petitioner contend that to cause inconvenience to her, the respondent/husband has filed H.M.O.P.No.26 of 2024, on the file of the Principal Senior Civil Judge, Allagadda, 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 having a son aged about nine (09) months, depending upon her parents, it is very difficult for her to travel at a distance of more than 125 Kms from Nandyala to Allagadda 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.26 of 2024, on the file of the Principal Senior Civil Judge, Allagadda and transfer the same to the Principal Senior Civil Judge, Nandikotkur.

3. Heard Sri N.Chandra Sekhar Reddy, learned counsel for the petitioner and Sri Challa Ajay Kumar, learned counsel for the respondent. Perused the material available on record.

4. Learned counsel for the respondent has represented that there is a life threat to the respondent/husband at Nandikotkur and that H.M.O.P.No.26 of 2024 may not be transferred to the Principal Senior Civil Judge, Nandikotkur. During the course of hearing, learned counsel appearing for both sides has fairly represented that they have no objection if the case in H.M.O.P.No.26 of 2024 pending on the file of the Principal Senior Civil Judge, Allagadda is transferred to Judge, Family Court, Kurnool and further requested to fix a time limit to the Judge, Family Court, Kurnool for disposal of the case.

5. On considering the aforesaid submissions made by the learned counsel appearing for both sides on record, the present petition is disposed of and the H.M.O.P.No.26 of 2024, on the file of the Principal Senior Civil Judge, Allagadda, is hereby withdrawn and transferred to the Judge, Family Court, Kurnool. The Principal Senior Civil Judge, Allagadda, shall transmit the case record in H.M.O.P.No.26 of 2024 to the Judge, Family 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. On receipt of the same, the transferee Court i.e., the Judge, Family Court, Kurnool, is directed to dispose of the case in H.M.O.P.No.26 of 2024 within a period of four (04) months from the date of receipt of the record from the Principal Senior Civil Judge, Allagadda. Both the parties are directed to appear before the Judge, Family Court, Kurnool, on 10.03.2025 at 10.30 a.m.

6. With these observations, the Transfer Civil Miscellaneous Petition is disposed of. 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/- M.SRINIVAS

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Senior Civil Judge Allagadda.
2. The Principal Senior Civil Judge Nandikotkur.
3. One CC to SRI. N. CHANDRA SEKHAR REDDY Advocate [OPUC]
4. One CC to SRI. CHALLA AJAY KUMAR Advocate [OPUC]
5. THREE CD COPIES

   Chp

   TAC

HIGH COURT

DATED:05/02/2025

ORDER

TRCMP.No.374 of 2024



DISPOSING OF THE TR.CMP.