Neutral Citation: _____

APHC010323512026

IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI [3606]

(Special Original Jurisdiction)

WEDNESDAY, THE 28th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

TRANS. CIVIL MISC.PETITION NO: 214/2026

Between:

1. GUGGILLA @ GUMMADILLI LAKSHMI PRAMEELA,, W/O. VENKATA RAMANJANEYULU, AGED ABOUT 40 YEARS, R/O. DOOR NO.2-246, LALITHA DEVI COLONY, KESANAPALLI PANCHAYAT, NARASARAOPET MANDAL, PALNADU DISTIRCT.

...PETITIONER

AND

1. GUGGILLA VENKATA RAMANJANEYULU, S/O. RAMADANDU, AGED ABOUT 45 YEARS, RESIDENT OF DOOR NO.1-51/C, RAMAYAPALEM VILLAGE, ADDANKI MANDAL, PRAKASAM DISTRICT. ALSO AT. C/O. NARAYANA (POLICE CONSTABLE) 3RD FLOOR, FLAT NO.5-1-158/3, SAIBABA COLONY, BANDALGUDA JAGIR, RAJENDRA NAGAR, NEAR SVS SCHOOL BACK SIDE,K V RANGA REDDY DISTRICT, TELANGANA.

...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 H.M.O.P No 42 of 2026 on the file of the Hon’ble Civil Judge (Senior Division) at Addanki and transfer the same to the Honble Civil Judge (Senior Division) at Narasaraopet and pass

IA NO: 1 OF 2026

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 grant stay of all further proceedings including personal appearance of the petitioner in H.M.O.P. No.42 of 2026 on the file of the Hon'ble Civil Judge (Senior Division) at Addanki and pass

Counsel for the Petitioner:

1. SATYANARAYANA NIMMALA

Counsel for the Respondent:

1. RAMA MOHAN RAO KOTHA

The Court made the following:

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

TRANS. CIVIL MISC. PETITION NO.214 OF 2026

ORDER:

This petition is filed under Section 24 of the Code of Civil Procedure, 1908 (in short, 'CPC'), seeking the relief of withdrawal of H.M.O.P.No.42 of 2026 from the file of the learned Civil Judge (Senior Division), Addanki, and transfer the same to the learned Civil Judge (Senior Division), Narasaraopet.

2. The petitioner is the wife of the respondent. Notice to the respondent was served, and the respondent appeared through learned counsel and filed counter opposing the petition.

3. Heard learned counsel for the petitioner and learned counsel for the respondent.

Brief facts of the case:

4. The case of the petitioner is that her marriage with the respondent was solemnized as per Hindu rites and customs on 14.02.2013 at Ramavapalem Village. Out of their wedlock, they were blessed with two sons, namely, Sri Hareesh Sphoorthi and Sri Rahul Sphoorthi. They led a happy marital life for some time, but subsequently, disputes arose between them. The petitioner lodged complaints against the respondent with the police, which ended in compromise.

5. A crime was registered against the respondent, which ended in compromise before the Lok Adalat on 03.01.2022. After closure of the criminal case, the respondent allegedly increased the harassment and her in-laws did not support her. As such, she was constrained to leave the marital home. She overheard a conversation between the respondent and her mother-in-law on

03.10.2022 at 5.00 a.m., wherein they were allegedly discussing eliminating her so that the respondent could enter into a second marriage. She was thus forcibly had to drive out from the matrimonial home. She lodged a complaint at Narasaraopet Rural Police Station on 10.10.2022. Since then, she has been residing with her parents along with her two minor children at Lalitha Devi Colony, Kesanapalli Panchayat, Narasaraopet Mandal, Palnadu District. She filed an application for maintenance vide M.C.No.30 of 2023 on the file of the I Additional Civil Judge (Junior Division), Narasaraopet. Criminal proceedings were registered against the respondent and his family members pursuant to her complaint, vide C.C.No.668 of 2024. While things stood thus, the respondent filed H.M.O.P.No.42 of 2026 on the file of the Civil Judge (Senior Division), Addanki, seeking dissolution of marriage.

6. The distance between Narasaraopet and Addanki is 60 kilometres. She has no financial support and is staying with her two children at her parents' house at Narasaraopet. She cannot travel to Addanki. M.C.No.30 of 2023 and C.C.No.668 of 2024 are pending at Narasaraopet. Therefore, if all the matters are dealt with at one Court, it would be convenient to her as well as the respondent. Hence, she sought to allow the petition.

Case of the respondent:

7. The respondent filed a counter and resisted the relief sought, contending that except for the marital relationship, the other allegations levelled against him and his mother are not true. He admitted the birth of two children out of their wedlock. He denied that he ever caused any harassment to the petitioner. He denied that there was any conversation overheard by the petitioner about her alleged elimination. He denied all other allegations that he had been harassing her and that, because of his attitude, she was forced to leave the matrimonial home. His contention is that the distance between Addanki and Narasaraopet is only 60 kilometres. For such a short distance, transfer of the case is not

permissible. Now, transport is free for women, as there is a free bus facility. Mere pendency of C.C.No.668 of 2024 and M.C.No.30 of 2023, which, according to him, were falsely filed against him at Narasaraopet, is not a ground to transfer H.M.O.P.No.42 of 2026. The burden lies on the petitioner to prove her case in civil proceedings, whereas in criminal proceedings, the burden of proof is different. There is no relevance to consider the present relief on that ground. The cause of action for filing H.M.O.P.No.42 of 2026 arose at Ramavapalem Village. The Court at Addanki is the competent Court having jurisdiction.

Arguments:

8. Learned counsel for the petitioner submitted that the petitioner is residing with her two children at Narasaraopet. She has no means to travel the distance of 60 kilometres. She is residing at the mercy of her parents. Therefore, considering the pendency of different cases, at Narasaraopet to which the respondent has to attend and the inconvenience to the wife, the petition can be considered.

9. Learned counsel for the respondent submitted that no such constraints have been pleaded by the petitioner to consider the present application. The distance of 60 kilometres is not a long distance. The wife, merely by virtue of being a woman, cannot automatically seek transfer. The allegations are vague. The appearance of the petitioner for each proceeding in H.M.O.P. is not required. She can very well be represented by counsel. Therefore, at this stage, the present application is not maintainable. Hence, he sought dismissal of the petition.

10. Learned counsel for the respondent relied on **Manpreet Kaur v. Gurbaksh Singh**[1], T.A.No.173 of 2022, decided by the High Court of Punjab and Haryana at Chandigarh, wherein the High Court observed that the presence of

[1] 2022 LiveLaw (PH) 131.

the wife can be dispensed with and that such a short distance is not an overwhelming reason for the Court to consider transfer, and hence dismissed the petition. The same applies to the present case. Learned counsel accordingly sought dismissal of the petition.

11. I have heard both learned counsels and perused the record.

Discussion:

12. The point that arises for determination is:

> Whether H.M.O.P.No.42 of 2026 can be transferred from the Court of the Civil Judge (Senior Division), Addanki, to the Court of the Civil Judge (Senior Division), Narasaraopet ?

13. The principle laid down under Sec.24 of the Code is that, at any stage of the proceedings, the High Court is empowered to withdraw and transfer the case. The Courts have to consider each case on its own facts and merits.

14. In the matrimonial disputes, involving Sec.24 of the Code, the underlying principle is the consideration of the socio-economic conditions of the wife. In Indian society, generally, women have constraints in travelling alone, and circumstances that require for transfer.

15. The principle laid down in **N.C.V. Aishwarya v. A.S. Saravana Karthik Sha**[2] reads 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 before 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

[2] 2022 LiveLaw (SC) 627; AIR 2022 SC 4318.

> sustenance to life. Given the prevailing socio-economic paradigm in Indian society, generally, it is the wife's convenience which must be looked at while considering transfer."

16. The present facts of the case, the respondent has vehemently opposed the petition, denying the allegations levelled against him. However, the fact remains that prior to the initiation of various proceedings relating to maintenance and the criminal case, there were complaints against the respondent, which ultimately ended in compromise before the Lok Adalat on 03.01.2022. This was prior to the filing of the present proceedings.

17. The petitioner has specifically stated that after the closure of the said complaint before the Lok Adalat, on 03.10.2022 at about 5:00 a.m., she overheard an alleged conversation between the respondent and his mother regarding their intention to eliminate her.

18. This is an assertion of the petitioner, and according to her since then, she has been living separately. Thereafter, led to the filing of a complaint before the concerned police at Narasaraopet on 10.10.2022, which is registered as C.C.No.668 of 2024. Thus, the triggering point for the parties living separately is the alleged incident dated 03.10.2022. It is true that such contentions require evidence, before the concerned Courts. This Court for the purpose of this application has to see the circumstance that wanton transfer.

19. Subsequent to their separation, a maintenance case, M.C.No.30 of 2023, was filed by the petitioner before the Court at Narasaraopet. Apart from that, the undisputed fact is that she is living with her children at Narasaraopet. There is no evidence or material before this Court to show that, in M.C.No.30 of 2023, the respondent has been paying any interim maintenance or maintenance.

20. Therefore, taking into consideration the factual aspects, prior to the initiation of M.C.No.30 of 2023 and C.C.No.668 of 2024 before the Courts at Narasaraopet, there were earlier litigations between the parties, which ended in

compromise before the Lok Adalat, thereafter, there is an allegation that a discussion took place between the respondent and his mother against the petitioner, which prompted her to live separately, leading to filing of different cases would show that, there may be a difficult situation to travel petitioner to the place where H.M.O.P is filed.

21. The M.C.No.30 of 2023 and C.C.No.668 of 2024, which were filed in the years 2023 and 2024, respectively, whereas, the present H.M.O.P.No.42 of 2026 was filed much later to the above cases. It is not in dispute that the respondent is attending those cases. Though he is attending, there is no allegation from him that he was prevented from appearing or that any hindrance was caused to his appearance.

22. In those circumstances, the factual aspects show the litigation between the parties did not originate with the maintenance case or the criminal case, but much prior to their separate living. The petition is at Addanki, Prakasam District.

23. The distance aspect, the contention of the petitioner that, the availability of a free bus facility for women is not a ground to reject the transfer petition, for the reason that the free bus facility is provided by the Government, not for these case. It is a general purpose. He did not say that the petitioner has means to attend. Neither said he is paying maintenance to her under M.C.No.30 of 2023. The time taken to travel is also a consideration when she has children with her.

24. It is true that there is no requirement for the appearance of parties on every adjournment in matrimonial matters before the Civil Judge (Senior Division), where the Family Courts Act does not apply. Nevertheless, the parties have to appear for reconciliation. The dispensation of the petitioner's appearance, as stated by the respondent, is also applicable to the respondent.

25. The respondent's appearance in the two cases at Narasaraopet is required. If all three cases are dealt with in one Court complex, it would be

convenient to both parties, as the witnesses in all the cases may be more or less, similar.

26. In the case of in **Krishna Veni Nagam v. Harish Nigam**[3], wherein the Hon'ble Apex Court permitted appearance of parties through video conference, I am of the view that the personal appearance of the respondent can be dispensed with.

27. Coming to the ruling relied upon by the respondent, the facts are distinguishable, as in the present case, there was prior litigation which ended in compromise before the Lok Adalat. Further, there is a specific incident which led to separate living of parties. However, subsequently, further litigation arose between the parties. Therefore, the present petition can be considered.

28. In the light of the above discussion, considering the facts and circumstances, I am of the view that the present petition can be considered. Accordingly, the point is answered.

Result:

29. In the result, the Transfer Civil Miscellaneous Petition is allowed, with the following directions:

i. H.M.O.P.No.42 of 2026 is hereby withdrawn from the file of the Civil Judge (Senior Division), Addanki, and transferred to the file of the Civil Judge (Senior Division), Narasaraopet.

ii. The Civil Judge (Senior Division), Addanki, is directed to transmit the entire record in H.M.O.P.No.42 of 2026, duly indexed, to the Civil Judge (Senior Division), Narasaraopet, within a reasonable time.

[3] 2017 (4) SCC 150

iii. The Civil Judge (Senior Division), Narasaraopet, upon receipt of the case records, shall renumber the case as per due procedure and, after giving due notice to both parties, proceed in accordance with law.

iv. The Civil Judge (Senior Division), Narasaraopet, is further directed not to insist on the personal appearance of the respondent-husband on each and every adjournment, unless his presence is required for reconciliation, mediation, recording of evidence, or whenever specifically directed by the Court. The Court may consider his appearance through virtual mode.

There shall be no order as to costs.

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

Interim order granted earlier shall stand vacated.

JUSTICE PURUSHOTTAM KUMAR CHINTHALAPUDI

Date: 28.10.2026
DSV

Whether the order is:

Speaking		Reasoned	√
Reportable		Non-Reportable	√