Neutral Citation: _____

APHC010463502026

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI **[3606]**

WEDNESDAY, THE 07TH DAY OF OCTOBER 2026

PRESENT

THE HON'BLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

TRANSFER CIVIL MISCELLANEOUS PETITION No.282 OF 2026

Between:

1. Kothuri (Cheemakurthi) Rupa Venkata Appala Megha Varshini, W/o. Kothuri Rama Chaitanya Vihari, (D/o. Cheemakurthi Sridhar Srinivas), Occ: House Wife, aged about 25 years, R/o Door No.7A-5-6, Eastren Street, Edugolla Centre, Eluru Town and District-534001.

...Petitioner

AND

1. Kothuri Rama Chaitanya Vihari, S/o. Bapuji Rao, aged about 25 years, Occ: Business, R/o. Door.No.6-377/5, Flat No.105, Sri Mitra Heights, Chilakaluripet, Palnadu District-522616.

...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 H.M.O.P.No.191 of 2025 pending on the file of Principal Civil Judge (Senior Division), Narasaraopet and transfer the same to Family Court, Eluru and pass such other or

further order or orders as are deem fit and proper in the circumstances of the case.

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 appearance of the Petitioner in H.M.O.P.No.191 of 2025 pending on the file of Principal Civil Judge (Senior Division), Narasaraopet.

Counsel for the Petitioner : P. RAJ KUMAR

Counsel for the Respondent : THOTA RAMAKOTESWARA RAO

The Court made the following

ORDER:

This Transfer Civil Miscellaneous Petition is filed, under Section 24 of Code of Civil Procedure, 1908 (In short, referred as 'the Code'), seeking the relief to withdraw H.M.O.P. No.191 of 2025 from the file of the Court of Principal Civil Judge (Senior Division), Narasaraopet, Guntur District and transfer the same to the Judge, Family Court-cum-VII Additional District and Sessions Court, Eluru, West Godavari District

2. Heard Sri P. Raj Kumar, learned counsel for the petitioner, and Sri Thota Rama Koteswara Rao, learned counsel for the respondent.

Petitioner's case:

3. Petitioner asserts that her marriage with the respondent was solemnized as per Hindu rites and customs on 19.04.2019 at Jangareddygudem. After marriage, differences have arisen between the petitioner and respondent, which led to filing of different cases against each other. The petitioner has filed a complaint against the respondent under the Protection of Women from Domestic Violence Act, 2005 (for short, 'the DVC Act') *i.e.,* D.V.C. No.46 of 2026 on the file of Special Judicial Magistrate of First Class (Mobile) for trial of cases under PCR Act at Eluru-cum-III Additional Civil Judge (Junior Division), Eluru and it is pending. Whereas, the respondent has initially filed the Petition H.M.O.P. No.156 of 2023 on the file of the Court of Additional Civil Judge (Senior Division), Narasaraopet for dissolution of marriage. The said case was dismissed on merits on

20.01.2025. Thereafter, the respondent is said to have filed H.M.O.P. No.191 of 2025 on the file of the Court of Principal Civil Judge (Senior Division), Narasaraopet for restitution of conjugal rights. The petitioner asserts that she is residing at Eluru with her parents and different cases have been instituted by her at Eluru.

4. The reasons assigned for filing the present Transfer Petition are that H.M.O.P. No.191 of 2025, pending at Narasaraopet, is coming up for her evidence. She is contesting the said case. The petitioner therein has completed his evidence. While she is attending the said case, the parents of respondents are pressurizing her to join and lead marital life with the respondent. She has specifically averred that the said pressure is without there being any condition of saying apology by the respondent and his parents, else she has to accept for mutual consent divorce. Whenever she and her parents come to Narasaraopet to attend H.M.O.P. No.191 of 2025, the respondent and his parents are pressurizing them; apart from that, it is difficult for her to travel from Eluru to Narasaraopet. She has danger to her life and personal liberty. Hence, she filed this Petition.

5. The respondent made his appearance through his counsel and filed counter contesting the relief.

Respondent's case:

6. The respondent contended that the petitioner has suppressed the material fact that earlier she filed Transfer Civil Miscellaneous

Petition No.93 of 2024 for the same relief and the said Petition was dismissed by this Court.

7. In H.M.O.P. No.191 of 2025, the petitioner had made her appearance before the Court, engaged counsel, who examined her witnesses. When the matter is coming for her evidence, she filed the present Transfer Petition. The allegations leveled against him in relation to the Divorce Petition and his alleged conduct are not true and he denied all such allegations. D.V.C. No.46 of 2026 is filed by the petitioner only to get sympathy; at any stage, it was later one to the Petition filed for restitution of conjugal rights. With the above contentions, he sought to dismiss the Petition.

Submissions of learned counsel for petitioner:

8. Sri P. Raj Kumar, learned counsel for the petitioner, argued that the present Petition is filed to withdraw H.M.O.P. No.191 of 2025 from Narasaraopet to Eluru. The petitioner specifically stated that she is facing difficulty to travel as well as pressure that she should be ready to join the respondent or else give mutual consent divorce. That pressure is causing an apprehension in the mind of the petitioner that itself be a reason for consideration in the present Petition.

Submissions of learned counsel for respondent:

9. Refuting the said arguments, Sri Thota Rama Koteswara Rao, learned counsel for the respondent, submitted that this Court in previous proceedings in Tr.C.M.P. No.93 of 2024 dismissed the same with an observation that the enquiry already commenced by

examining the respondent herein as PW.1 in H.M.O.P. No.156 of 2023 and the same is coming up for cross-examination, the respondent was directed to pay Rs.1,000/- to the petitioner, whenever she attends before the said Court at Narasaraopet, apart from granting legal expenses of Rs.3,000/- to the petitioner. Further, dispensed with her presence before the said Court on each and every adjournment and also observed her presence can be insisted only when it is required or at the time of recording her evidence.

10. Pursuant to that order, H.M.O.P. No.156 of 2023 was proceeded further. The same applies to the present case. Suppression of fact vitiates the proceedings and hence sought to dismiss the Petition. Apart from that, his argument is that there was no pressure on the petitioner.

11. I have heard both the learned counsel and gone through the record.

Discussion:

12. The rival contentions of the parties would show that there are marital disputes between the parties. The respondent-husband has initiated proceedings *vide* H.M.O.P. No.156 of 2023 on the file of the Court of Additional Civil Judge (Senior Division), Narasaraopet for dissolution of marriage. During pendency of the said case, the petitioner has approached this Court by Tr.C.M.P. No.93 of 2024 to withdraw the H.M.O.P. No.156 of 2023 from the said Court and transfer to the Family Court, Eluru. This Court has denied the said relief however directed the respondent herein to pay the petitioner

Rs.1,000/- on each and every date of her appearance before the said Court including legal expenses of Rs.3,000/-. Thereafter, the matter went and finally H.M.O.P. No.156 of 2023 was dismissed on merits.

13. Respondent's much reliance is on the orders of this Court in Tr.C.M.P. No.93 of 2024, where this Court denied to transfer H.M.O.P. No.156 of 2023, the previous Petition for divorce filed by the respondent. That was decided on merits and disposed of. Respondent's argument is same analogy applies here. His contention is, when this Court in a similar situation, at the stage of respondent's evidence in divorce application, denied to transfer, instead ordered expenses to the petitioner. In the present case, the matter is coming for petitioner's evidence, thus at this stage cannot be transferred, instead expenses can be ordered.

14. I have gone through the orders. The facts and circumstances under which the orders were passed are distinguishable to the present case. The subject matter of Divorce application was decided on contest and dismissed by the trial Court. The respondent, did not challenge the said dismissal order. But he filed an application for restitution of conjugal rights. The present transfer application is filed, for the subsequent application of respondent, *i.e.,* H.M.O.P No.191 of 2025, filed for restitution of conjugal rights. It's not that, the petitioner has approached this Court on filing of the restitution of conjugal rights (H.M.O.P. No.191 of 2025). She has been attending in the said case, prosecuted the said case, to the phase of completion of his evidence. At the stage of her evidence, she filed

the present application, with a specific plea that, she has been pressurizing for consent in restitution of conjugal rights or for mutual consent divorce. This apprehension though does not bear any documentary or supportive statements of other than the respondent, the circumstances and facts show that, the said reason requires consideration that, the respondent has filed an application for restitution of conjugal rights after his application for divorce was dismissed on merits. He did not prefer Appeal, for reasons best known to him. It may not be a proper forum to discuss this as to the factual and legal aspects of these circumstances. However, choosing the forum with a different application after an application filed for divorce, and dismissal of it, is a point for consideration on the aspect of "*to meet the ends of justice*", the better forum is required.

15. Therefore, the facts and circumstances that were considered in Tr.C.M.P. No.93 of 2024 are different to the present application for transfer. Both are distinguishable. The present transfer application is not for the case of Divorce Application. It is not on the same cause of action under Tr.C.M.P. No.93 of 2024. It is for the transfer of Petition for restitution of conjugal rights *i.e.,* H.M.O.P. No.191 of 2025. Both factual aspects, circumstances, cause of actions, reasons assigned are distinguishable. It is not that, for the cases respondent files, the petitioner has to attend and expenses be given. The law does not say so. Each case, circumstances, conduct of the parties, requires consideration for the Courts, that, the justice be done fairly, ends of the justice be met.

16. The present transfer application is an independent application, arose in restitution of conjugal rights application, which was filed subsequent to the dismissal of divorce application. A divorce application was filed with severe allegations and upon dismissal of the said Petition, instituting a different Petition for restitution of conjugal rights requires consideration by the respective Court. It is not that H.M.O.P. No.156 of 2023 and the H.M.O.P. No.191 of 2025 were instituted on the file of same court. Both are dealt by different Courts. As such, it may not be an agitation that, the forum which already decided is the better forum.

17. The specific reason for which the present application is filed, that there is alleged pressure to accept for restitution of conjugal rights, requires a consideration, in view of the circumstances and facts of the proceedings between the parties. The endeavor of the law is that, it is administered impartially, to meet ends of justice.

18. Learned counsel for the respondent relied on a decision of the High Court of Kerala at Ernakulam in ***Vidhya Mundekkat v. Akhilesh Jayaram and others***[1], wherein the High Court relying on the decision of the Hon'ble Supreme Court in ***Anindita Das v. Srijit Das***[2] held that the Court has to decide each Transfer Petition on its merits. Thus, the ruling refers that, each transfer application to be decided on merits of each application, though, it refers that, towards women, no leniency be there.

19. In the present case, the specific plea of the petitioner and

[1] 2021 SCC OnLine Ker 512
[2] (2006) 9 SC 197

the facts and circumstances, stage of the proceedings, requires consideration, but not on the alleged leniency. The ruling relied by the respondent is thus not applicable as it is on distinguishable facts.

20. In the present proceedings, the evidence of respondent (husband) is completed in H.M.O.P 191 of 2025. His witnesses have been examined. He is at a better footing as he led his evidence. He need not produce witnesses in furtherance to support his case. The respondent (wife) is required to attend the case with her witnesses. At this stage, she expressed, the alleged influence of respondent. The evidence to be led impartial and fairly. As to the distance to travel, since, the courts which are attending the cases are civil courts, the presence of respondent may not be required as mandatory. He can be represented through counsels.

21. The D.V.C. No.46 of 2026 is registered and pending on the courts at Eluru. The respondent has to attend the said case. There is no averment from respondent that he had any apprehension at the place of Eluru. In H.M.O.P. No.191 of 2025, his evidence is already completed; his appearance is not required for each and every adjournment. He may proceed with the examination through his counsel. Thus, in such case, there may not be any difficulty for the petitioner to attend the case, if transferred to the Courts at Eluru. His presence may be dispensed with or he may be permitted to appear virtually. It is the respondent who has to attend the Court to lead her evidence with her witnesses. She made specific allegations about the alleged influence of respondent (husband) at the Court at

Narasaraopet. This Court is of the view that, considering the distance and completion of respondent's evidence, specific stand of the petitioner herein, and convenience of the petitioner requires consideration of this application.

22. In ***N.C.V. Aishwarya v. A.S. Saravana Karthik Sha***[3] and ***Rajani Kishor Paradeshi v. Kishor Babulal Pardeshi***[4], the Hon'ble Supreme Court held that the convenience of the female litigants has to be considered.

23. In ***Rashmi Mahadik v. Pushpendra Mahadik***[5], the Hon'ble Supreme Court, held as follows at Para No.9:

> "9. If video conferencing facility is available with the transfere Court, the benefit of the same shall be made available to the parties. They need not appear physicaly on each date unless their physical presence is absolutely necessary."

24. Learned counsel for the petitioner relied on a decision of this Court in ***Pedapudi Sri Venkata Lakshmi v. Pedapudi Srinivasa Rao***[6], where this Court has considered the convenience of the petitioner-wife.

25. With the above rulings and that the Tr.C.M.P. No.93 of 2024, was filed by the petitioner on distinguishable facts and circumstances and that, the subject matter under Tr.C.M.P. is no more existing, and that, the present application is for different

---

[3] AIR 2022 (SC) 4318
[4] 2005 (12) SCC 237
[5] Tr.P.(Civil) No.404/2025, Dt.15.07.2025 of Hon'ble Supreme Court
[6] 2026 (3) ALT 76 (AP)

subject matter and different circumstances, from the said Transfer Petition and for the reasons discussed above, I am of the view that the present Petition can be considered with liberty to the respondent to dispense with his presence before the said Court.

Result:

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

(i) H.M.O.P.No.191 of 2025 is hereby withdrawn from the file of the Court of Principal Civil Judge (Senior Division), Narasaraopet, Guntur District and transferred to the file of Judge, Family Court-cum-VII Additional District and Sessions Court, Eluru, West Godavari District.

(ii) The learned Principal Civil Judge (Senior Division), Narasaraopet, is directed to transmit the entire record in H.M.O.P.No.191 of 2025, duly indexed, to the file of Judge, Family Court-cum-VII Additional District and Sesions Court, Eluru, within a reasonable time.

(iii) The learned Judge, Family Court-cum-VII Additional District and Sessions Court, Eluru, upon receipt of the case records, shall renumber the case as per due procedure, after giving notices to both parties, and proceed in accordance with law from the stage where it is pending.

(iv) The learned Judge, Family Court-cum-VII

Additional District and Sessions Court, Eluru, is informed to pass appropriate orders as to the personal appearance of the respondent-husband on each and every adjournment, unless his presence is specifically directed by the Court.

There shall be no order as to costs.

27. As a sequel, miscellaneous applications, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

Interim order, granted earlier, if any, shall stand vacated.

JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

Date:07.10.2026
DSH

Whether the order is:

Speaking		Reasoned	√
Reportable		Non-Reportable	√