



IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)

[3397]

MONDAY, THE TWENTY THIRD DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA  
KRISHNA RAO**

**TRANS. CIVIL MISC.PETITION NO: 384/2025**

**Between:**

1.CHENCHUGALLA SAI KUSUMA, W/O.MARAMREDDYPALLI  
VENKATA ASHOK KUMAR. AGED ABOUT 28 YEARS, R/O.D.NO.14-  
15,BHAVANI NAGAR MADANAPALLI TOWN, ANNAMAYYA  
DISTRICT.

**...PETITIONER**

**AND**

1.MARAMREDDYPALLI VENKATA ASHOK KUMAR, S/o. Vijaya Bhaskar  
Rao, Aged about 30 Years R/o. D.no. 4/289, Teachers Colony, Khajipet  
Village Mandal, YSR Kadapa 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 for the  
reasons stated in the accompanying affidavit. It is prayed that the Hon'ble  
court may be pleased to transfer the H.M.O.P.No.85 of 2025 on the file of the  
Principal Senior Civil Judge, Kadapa, to Senior Civil Judge, Madanapalli and  
pass

**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 in H.M.O.P.No.85 of 2025 on the file of the  
Principal Senior Civil Judge, Kadapa. Pending disposal of the above Tr.CMP,  
and pass o

**Counsel for the Petitioner:**

1.DHANUNJAYA REDDY K

**Counsel for the Respondent:**

1.P NAGENDRA REDDY

**The Court made the following:**

**THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO**  
**TRANSFER CIVIL MISCELLANEOUS PETITION No.384 of 2025**

**ORDER:**

The petitioner/wife herein filed the present petition under Section 24 of the Code of Civil Procedure, 1908 (for short, 'the C.P.C. '), seeking transfer of H.M.O.P.No.85 of 2025, on the file of the learned Principal Senior Civil Judge, Kadapa, to the file of the learned Senior Civil Judge, Madanapalli, for trial and disposal of the same.

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

I. The petitioner is the legally wedded wife of the respondent/husband, and their marriage was solemnized on 27.08.2023, at TTD Kalyanamandapam, Khajipet Village, Y.S.R. Kadapa District, as per Hindu Rites and Caste Customs. During their wedlock, the petitioner/wife and respondent/husband were blessed with a female child. Thereafter, due to matrimonial disputes between the parties, the petitioner/wife along with her child aged about one (01) year has been residing separately at her parents' house in Madanapalli Town, Annamayya District. The petitioner/wife pleaded that in view of the harassment made by the respondent/husband,

she lodged a complaint against the respondent /husband, which was registered as F.I.R.No.194 of 2025, for the offence punishable under Section 85 r/w 3(5) of B.N.S. Act, 2023, and Sections 3 & 4 of the Dowry Prohibition Act, 1961, before the Madanapalli Police Station, after completion of investigation, Police laid a charge sheet and the same was numbered as C.C.No.516 of 2026, on the file of the Judicial Magistrate of First Class, Madanapalli, the same is pending for adjudication.

II. The petitioner/wife further pleaded that, with a view to cause inconvenience to her, the respondent /husband herein filed a petition *vide* H.M.O.P.No.85 of 2025, on the file of the learned Principal Senior Civil Judge, Kadapa, under Section 9 of the Hindu Marriage Act, 1955, seeking restitution of conjugal rights and the same is also pending for adjudication.

III. The petitioner further pleaded that, she being a woman, has been residing separately along with her child and depending upon the mercy of her parents at Madanapalli, the distance

between Madanapalli & Kadapa is more than 100Kms and it is very difficult for her to travel to attend the restitution case proceedings filed by the respondent/husband herein before the Court at Kadapa without any male assistance, and that she was constrained to file the present petition against the respondent, seeking transfer of H.M.O.P.No.85 of 2025, on the file of the learned Principal Senior Civil Judge, Kadapa, to the file of the learned Senior Civil Judge, Madanapalli, for trial and disposal of the same.

3. The respondent filed counter-affidavit before the Registry and pleaded that there are no merits in the petition filed by the petitioner and the present Transfer Civil Miscellaneous Petition is liable to be dismissed.

4. Learned counsel for the respondent submitted that the respondent/husband is working as a software engineer and is currently residing at Hyderabad. He further submitted that, if this Court is inclined to transfer the H.M.O.P. No. 85 of 2025, from the file of the learned Principal Senior Civil Judge, Kadapa, to the file of the learned Senior Civil Judge, Madanapalli, the respondent/husband herein would face difficulties in appearing before the transferee Court. He further requested that this Court may be pleased to dismiss the present petition.

5. Heard Mr. K. Dhanunjaya Reddy, learned counsel for the petitioner and Mr. P. Nagendra Reddy, learned counsel for the respondent.

6. Perused the material available on record.

7. The material on record *prima facie* goes to show that, due to the matrimonial disputes between both parties, the petitioner/wife has been residing separately along with her child aged about one (1) year at her parents' house in Madanapalli Town, Annamayya District, she has instituted a case against the respondent/husband herein *i.e.* C.C.No.516 of 2026, on the file of the Judicial Magistrate of First Class, Madanapalli, the same is pending for adjudication and the respondent/husband is also attending the case proceedings before the Court at Madanapalli. The material on record further reveals that the respondent/husband had filed a petition against the petitioner/wife herein *vide* H.M.O.P.No.85 of 2025, on the file of the learned Principal Senior Civil Judge, Kadapa, under Section 9 of the Hindu Marriage Act, 1955, seeking restitution of conjugal rights and the same is also pending for adjudication.

8. The Apex Court in a case of ***N.C.V. AISHWARYA VS A.S.SARAVANA KARTHIK SHA***<sup>1</sup> 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,*

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<sup>1</sup> 2022 LiveLaw (SC) 627

*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.”*

9. On considering the submissions made by the learned counsel appearing for both sides and in view of the ratio laid down in the aforesaid case law and on considering the facts and circumstances of the present case, I am of the considered view that in matrimonial proceedings, the convenience of the wife has to be taken into consideration than that of the inconvenience of the husband. Therefore, there are justifiable grounds to consider the request made by the petitioner/wife, seeking transfer of H.M.O.P.No.85 of 2025, on the file of the learned Principal Senior Civil Judge, Kadapa, to the file of the learned Senior Civil Judge, Madanapalli. Further, on considering the submissions made by the learned counsel for the respondent, since the respondent/husband herein is working as a software engineer and is currently residing at Hyderabad, therefore, the personal appearance of the respondent/husband herein *i.e.*, petitioner in H.M.O.P.No.85 of 2025, on the file of the learned Principal Senior Civil Judge, Kadapa, has been dispensed

with before the transferee Court, except on the days when his personal appearance is required before the said Court as per law.

10. In the result, the Transfer Civil Miscellaneous Petition is **allowed** and the H.M.O.P.No.85 of 2025, on the file of the learned Principal Senior Civil Judge, Kadapa, is hereby withdrawn and transferred to the file of the learned Senior Civil Judge, Madanapalli. The learned Principal Senior Civil Judge, Kadapa, shall transmit the entire case record in H.M.O.P.No.85 of 2025, to the file of the learned Senior Civil Judge, Madanapalli, duly indexed as expeditiously as possible preferably within a period of five (05) days from the date of receipt of a copy of the order. Both the parties are directed to appear before the learned Senior Civil Judge Court at Madanapalli, on 30.03.2026 at 10.30 A.M. Later, the transferee Court *i.e.*, learned Senior Civil Judge, Madanapalli, is hereby directed not to insist upon the personal appearance of the respondent herein *i.e.*, petitioner in H.M.O.P.No.85 of 2025, as long as his counsel is attending the Court proceedings and representing the case except on the day when re-conciliation proceedings are being taken up or on the day when his cross-examination is required to be recorded or on any other day when his personal appearance is essentially required as directed by the learned Senior Civil Judge, Madanapalli. 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.

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**JUSTICE V. GOPALA KRISHNA RAO**

Date: 23.02.2026  
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