



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

[3397]

THURSDAY, THE FIFTH DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

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

**TRANS. CIVIL MISC.PETITION NO: 91/2025**

**Between:**

1.KAKANI @ NAGUBAMU SWAPNA, W/O NAGUBAMU RAJASEKHAR,  
D/O KAKANI RAMESH BABU, AGED 28 YEARS, OCC HOUSEWIFE,  
R/O HNO 1-40, BOPPUDI VILLAGE, CHILAKALURIPETA MANDAL,  
PALNADU DISTRICT.

**...PETITIONER**

**AND**

1.NAGUBAMU RAJASEKHAR, S/o Anjaiah, Aged 31 years, Occ Pvt.  
Employee, R/o Nethaji Nagar, Chaviti Madigapalli,  
Komminenivaripalem, Vaidana Village, Ballikuruva Mandal, Bapatia  
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 order withdrawal of DOP No 36 of 2024 on the file of the Learned Principal District Judge, Ongole and transfer the same for trial and disposal to the court of Learned Principal District Judge Guntur

**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 grant stay of all further proceedings in OOP No: 36 of 2024 on the file of the Learned Principal District Judge, Ongole

**Counsel for the Petitioner:**

1.NANDURI SRINIVAS

**Counsel for the Respondent:**

1.HANUMANTHA RAO VELLALACHERVU

**The Court made the following:**

**THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO**  
**TRANSFER CIVIL MISCELLANEOUS PETITION No.91 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 for withdrawal of D.O.P.No.36 of 2024, on the file of the learned Principal District Judge, Ongole, Prakasam District, and transfer the same to the file of the learned Principal District Judge, Guntur, for trail and disposal of the same.

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

- I. The petitioner is the wife of the respondent and the marriage of the petitioner with the respondent was solemnized on 13.05.2021, in the presence of both side elders, at Nethaji Nagar, Vaidana Village, Ballikuruva Mandal, Bapatla District, as per the Christian Rites and Customs. After that, due to the matrimonial disputes between the spouses, the petitioner/wife has been residing separately in her parents' house at Guntur. The petitioner/wife pleaded that in view of the harassment made by the respondent/husband, she lodged a complaint against the respondent/husband herein and the same was registered as Crime No.128 of 2023, for the offences punishable under Sections 354, 323 & 506 r/w 34 of I.P.C. before the Chilakaluripet Rural Police Station, the same is pending for investigation and she also filed a Domestic Violence Case *vide* D.V.C.No.13 of 2024 on the file of the

Additional Civil Judge (Junior Division), Chilakaluripet and the same is pending for adjudication.

II. The petitioner/wife further pleaded that with a view to cause inconvenience and to harass her, the respondent/husband herein filed a divorce case against the petitioner/wife *vide* D.O.P.No.36 of 2024, on the file of the learned Principal District Judge, Ongole, Prakasam District, under Section 10(1)(IX)&(X) of the Indian Divorce Act, 1869, seeking for dissolution of the marriage and the same is also pending for adjudication.

III. Learned counsel for the petitioner would further contend that the petitioner being a woman, has been residing separately and depending upon the mercy of her parents at Guntur, it is very difficult for her to travel to attend the case proceedings filed by the respondent/husband herein before the Court at Ongole without any male assistance and that she was constrained to file the present petition against the respondent/husband, seeking for withdrawal of D.O.P.No.36 of 2024, on the file of the learned Principal District Judge, Ongole, Prakasam District, and

transfer the same to the file of the learned Principal District Judge, Guntur, for trail and disposal.

3. Learned counsel for the respondent submitted that the respondent is not intends to file any counter-affidavit and there are no valid grounds to consider the request made by the petitioner herein and the present Transfer Civil Miscellaneous Petition may be dismissed.

4. Heard Mr. Nanduri Srinivas, learned counsel for the petitioner and Smt. S. Lakshmi Prameela, leaned counsel representing on behalf of Mr. Hanumantha Rao Vellalachervu, learned counsel for the respondent.

5. Perused the material available on record.

6. The material on record *prima facie* goes to show that, due to the matrimonial disputes between both the spouses, the petitioner/wife is residing separately in her parents' house at Guntur and she has filed two (02) cases against the respondent/husband herein *viz.*, Criminal Case which was registered as Crime No.128 of 2023, for the offence punishable under Sections 354, 323 & 506 r/w 34 of I.P.C. before the Chilakaluripet Rural Police Station, and Domestic Violence Case *vide* D.V.C.No.13 of 2024 on the file of the Additional Civil Judge (Junior Division), Chilakaluripet, the same are pending. The material on record further reveals that the respondent/husband had filed a divorce case against the petitioner/wife herein *i.e.*, D.O.P.No.36 of 2024, on the file of the learned Principal District Judge, Ongole, Prakasam

District, under Section 10(1)(IX)&(X) of the Indian Divorce Act, 1869, seeking for dissolution of the marriage, the same is also pending for adjudication.

7. The Apex Court in a case of **GEETA HEERA Vs HARISH CHANDER HEERA**<sup>1</sup>, 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.”

8. The Apex Court in a case of **N.C.V. AISHWARYA VS A.S. SARAVANA KARTHIK SHA**<sup>2</sup>, held as follows:

*“9. The cardinal principles 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.”*

9. On considering the submissions made by the learned counsel appearing for both sides and in view of the ratio laid down by the aforesaid case laws and on considering the facts and circumstances of the present case that in matrimonial proceedings, the convenience of the wife has to be taken

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<sup>1</sup>(2000) 10 SCC 304

<sup>2</sup> 2022 LiveLaw (SC) 627

into consideration than that of the inconvenience of the husband, therefore, I am of the considered view that there are justifiable grounds to consider the request made by the petitioner/wife, seeking for withdrawal of D.O.P.No.36 of 2024, on the file of the learned Principal District Judge, Ongole, Prakasam District, and transfer the same to the file of the learned Principal District Judge, Guntur.

10. In the result, the Transfer Civil Miscellaneous Petition is **allowed** and the D.O.P.No.36 of 2024, on the file of the learned Principal District Judge, Ongole, Prakasam District, is hereby withdrawn and transferred to the file of the learned Principal District Judge, Guntur. The learned Principal District Judge, Ongole, Prakasam District, shall transmit the entire case record in D.O.P.No.36 of 2024, to the file of the learned Principal District Judge, Guntur, duly indexed as expeditiously as possible preferably within a period of one (01) week from the date of receipt of a copy of the order. Both the parties are directed to appear before the learned Principal District Judge, Guntur, on 09.03.2026, at 10.30 a.m. 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: 05.02.2026

CVD/JLSR