



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

[3397]

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

PRESENT

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

TRANS. CIVIL MISC.PETITION NO: 44/2026

Between:

1. PEDAPUDI SRI VENKATA LAKSHMI, W/O. PEDAPUDI SRINIVASA RAO, AGE 22 YEARS, FEMALE D/O. KAMPATI CHANTESWARA RAO, DOOR NO. 61-24-4/1, TAGORE ROAD, WATER TANK ROAD, RAMALINGESWARA NAGAR, VIJAYAWADA, NTR DISTRICT, VSCJC MOBILE. 7799485351, EMIL ID. NILL-520001.

...PETITIONER

AND

1. PEDAPUDI SRINIVASA RAO, S/o Bojjaiah (late). Age 44 years, Male, Profession, Door no. 2-56, Kapula Veedi, near Ramalayam, Konithiwada Village, Veeravasaram Mandal, West Godavari District, BSCJC Mobile. 9849896614, 8978183763, Emill id. nill-534245.

...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 be pleased to withdraw the H.M.O.P. NO. 83 OF 2025 From the Hon'ble Senior Civil Judge Court Bhimavaram and transfer the same to the Family Court Vijayawada, 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 be pleased to stay of all further proceedings in H.M.O.P. NO. 83 OF

2025 From the Hon'ble Senior Civil Judge Court Bhimavaram pending disposal of the Transfer C.M.P. and pass

Counsel for the Petitioner:

1.VEERLA SATEESH KUMAR

Counsel for the Respondent:

1.

The Court made the following:

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO
TRANSFER CIVIL MISCELLANEOUS PETITION No.44 of 2026

ORDER:

Today, when the matter was taken up for hearing, Mr. V. Sateesh Kumar, learned counsel for the petitioner submitted that proof of service Memo was filed before the Registry on 16.03.2026 *vide* U.S.R.No.33340 of 2026, along with the Postal Track Consignment Sheet downloaded from the Postal Department Website and the same is placed on record. As per the Postal Track Consignment Sheet, the registered notice sent to the respondent and the same was duly served on 09.03.2026. Despite service of notice, there is no representation on behalf of respondent. Therefore, 'service held sufficient'.

2. 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 H.M.O.P.No.83 of 2025 on the file of the Senior Civil Judge Court, Bhimavaram, West Godavari District, and transfer the same to the file of the Judge, Family Court, Vijayawada, Krishna District, for trial and disposal of the same.

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

I. The petitioner is legally wedded wife of the respondent/husband and their marriage was solemnized on 25.02.2023, in the presence of both side elders and

well-wishers, at Sri Kanakadurgamma Temple, Vijayawada, as per the Hindu Rites and Caste Customs. During their wedlock, the petitioner/wife and the respondent/husband were blessed with a child on 10.12.2023. Thereafter, due to the matrimonial disputes between the spouses; the petitioner/wife has been residing separately along with her child and depending upon the mercy of her parents at Vijayawada.

II. The petitioner/wife pleaded that in view of the harassment caused by the respondent/husband, she lodged a complaint against the respondent/husband and his family members, dated 26.05.2023, which was registered as Crime No.61 of 2023, before Disha Police Station, Vijayawada, after completion of investigation, Police laid a charge sheet and the same was numbered as C.C.No.4821 of 2023 on the file of the II Additional Chief Metropolitan Magistrate, Vijayawada, the same is pending for adjudication.

III. The petitioner/wife further pleaded that with a view to cause inconvenience and to harass her, the respondent/husband herein had filed a petition *vide* H.M.O.P.No.83 of 2025 on the file of the Senior Civil Judge Court, Bhimavaram, West Godavari District, under Section 9 of the Hindu Marriage Act, 1955, seeking restitution of conjugal rights and the same is also pending for adjudication.

4. Learned counsel for the petitioner contended that the petitioner being a woman, has been residing separately along with her child aged about two (2) years and depending upon the mercy of her parents at Vijayawada and the distance between Vijayawada & Bhimavaram is more than 150Kms, therefore, it is very difficult for the petitioner/wife to travel to attend the restitution case proceedings which was filed by the respondent/husband before the Court at Bhimavaram without any male assistance and that she was constrained to file the present petition against the respondent/husband, seeking for withdrawal of H.M.O.P.No.83 of 2025 on the file of the Senior Civil Judge Court, Bhimavaram, West Godavari District, and transfer the same to the file of the Judge, Family Court, Vijayawada, Krishna District, for trial and disposal of the same.

5. Heard Mr. V. Sateesh Kumar, learned counsel for the petitioner.

6. Though notice has been served, there is no representation on behalf of respondent. Therefore, 'service is held sufficient'.

7. Perused the material available on record.

8. The material on record *prima facie* goes to shows that, in view of the matrimonial disputes between the spouses, the petitioner/wife herein has been residing separately along with her child aged about (02) years in her parents' house and depending upon the mercy of her parents at Vijayawada and she also instituted a Criminal Case against the respondent/husband herein *vide* C.C.No.4821 of 2023, on the file of the II Additional Chief

Metropolitan Magistrate, Vijayawada, the same is pending for adjudication and the respondent/husband is also attending the case proceedings before the Court at Vijayawada. The material on record further reveals that the respondent/husband herein had filed a petition against the petitioner/wife *vide* H.M.O.P.No.83 of 2025, on the file of the Senior Civil Judge Court, Bhimavaram, West Godavari District, under Section 9 of the Hindu Marriage Act, 1955, seeking restitution of conjugal rights and the same is also pending for adjudication.

9. The Apex Court in a case of ***N.C.V. Aishwarya Vs A.S.Saravana Karthik Sha***¹ 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, 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.”

¹ 2022 LiveLaw (SC) 627

10. On considering the submissions made by the learned counsel for the petitioner and in view of the ratio laid down in the aforesaid case law that in matrimonial proceedings, the convenience of the wife has to be taken into consideration than that of the inconvenience caused to 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 H.M.O.P.No.83 of 2025 on the file of the Senior Civil Judge Court, Bhimavaram, West Godavari District, and transfer the same to the file of the Additional Family Court, Vijayawada, Krishna District.

11. In the result, the present Transfer Civil Miscellaneous Petition is **allowed** and the H.M.O.P.No.83 of 2025 on the file of the Senior Civil Judge Court, Bhimavaram, West Godavari District, is hereby withdrawn and transferred to the file of the Additional Family Court, Vijayawada, Krishna District. The learned Senior Civil Judge, Bhimavaram, West Godavari District, shall transmit the entire case record in H.M.O.P.No.83 of 2025, to the file of the Additional Family Court, Vijayawada, Krishna District, duly indexed as expeditiously as possible, preferably within a period of two (02) weeks from the date of receipt of a copy of this order. 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.

JUSTICE V. GOPALA KRISHNA RAO

Date: 23.03.2026
CVD