



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

[3397]

MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

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

TRANS. CIVIL MISC.PETITION NO: 43/2025

Between:

1.MOPIDEVI NIHARIKA,, W/O. SAI KIRAN, D/O.
ODUGUUMAMAHESWARA RAO, HINDU, AGED 24
YEARS. NO AVOCATION, R/O. D.NO.41-20/3-79,
VALLURIVARI ST., KRISHNA LANKA, VIJAYAWADA.

...PETITIONER

AND

1.MOPIDEVI SAI KIRAN, S/o. Ramesh, Hindu, Aged 25
years, Occ Business, R/o. Door No.8- P80, Nizampatnam,
Repalle JCJC, Bapatla Dist.,

...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 please to withdraw HMOP.No. 98 of 2024 on
the file of the Court of the Civil judge(Senior Division), Repalle
and to transfer the same to the court of the Honourable Family
Court at Vijayawada

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 H.M.O.P.No.98 of 2024 on the file of the Court of the Civil Judge(Senior Division), Repalle, pending disposal of the above Tr.CMP

Counsel for the Petitioner:

1.D BUTCHI BABU

Counsel for the Respondent:

1.SUBBAIAH MUNIPALLI

The Court made the following:

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

TRANS. CIVIL MISC.PETITION NO: 43/2025

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 to transfer the H.M.O.P.No.98 of 2024, on the file of the learned Civil Judge(Senior Division), Repalle, to the file of the learned Family Judge Court, Vijayawada, for trial and disposal.

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 10.02.2023 at Sivalayam, Peadkakani, Guntur District. The petitioner pleaded that she has not having any avocation. Due to matrimonial disputes between the parties, she has been residing separately in her parents' house at Vijayawada and she has not filed any cases against her husband and she wants to lead marital life with her husband.

ii. The petitioner further pleaded that the respondent/husband, to cause inconvenience to the petitioner, filed H.M.O.P.No.98 of 2024, on the file of the learned Civil Judge(Senior Division), Repalle, seeking dissolution of marriage under Section 13(1)(ib) of the Hindu Marriage Act, 1995, and the same is pending for adjudication. The petitioner further pleaded that the distance between Vijayawada and Repalle is approximately 70 Kilometers and it is very difficult for the petitioner/wife to appear before the learned Civil Judge(Senior Division), Repalle, on each and every adjournment without any male assistance, and that she is constrained to file this petition.

3. Learned counsel for the respondent/husband would contend that the respondent herein filed counter and represented that there are no merits in the transfer civil miscellaneous petition, and therefore, transfer petition may be dismissed.

4. Heard Sri D.Batuchi Babu, learned counsel for the petitioner/wife and Smt. G.Vijaya Kumari, learned counsel for the respondent/husband.

5. Perused the material available on record.

6. The material on record *prima facie* shows that, in view of the matrimonial disputes between the parties, the petitioner/wife has been residing separately in her parents' house and depending upon the mercy of her parents. The material on record further discloses that the respondent/husband filed a H.M.O.P.No.98 of 2024 on the file of the learned Civil Judge(Senior Division), Repalle, seeking dissolution of marriage under Section 13(1)(ib) of the Hindu Marriage Act, 1995, the same is pending for adjudication.

7. The Apex Court in a case of **GEETA HEERA Vs HARISH CHANDER HEERA**¹, 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**² 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

¹(2000) 10 SCC 304

² 2022 LiveLaw (SC) 627

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 for the petitioner and in view of the ratio laid down in the aforesaid case laws that, in matrimonial proceedings, the convenience of the wife has to be taken into consideration rather than the inconvenience of the husband and therefore, I am of the considered view that there are justifiable grounds to consider the request made by the petitioner/wife seeking transfer of H.M.O.P.No.98 of 2024, on the file of the learned Civil Judge(Senior Division), Repalle.

10. In the result, the present Transfer Civil Miscellaneous Petition is allowed, and H.M.O.P.No.98 of 2024, on the file of the learned Civil Judge(Senior Division), Repalle, is hereby withdrawn and transferred to the file of the learned Family Judge

Court, Vijayawada. The learned Civil Judge (Senior Division), Repalle, shall transmit the case record in H.M.O.P.No.98 of 2024 forthwith, to the learned Principal Family Judge Court, Vijayawada, within a week from the date of receipt of the order. Both the parties are directed to appear before the learned Principal Family Judge Court, Vijayawada, on 15.06.2026 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.

JUSTICE V. GOPALA KRISHNA RAO

Date: 20.04.2026
LSP

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THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.43 of 2025

Date: 20.04.2026
LSP