

APHC010047112025



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

[3397]

MONDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

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

TRANS. CIVIL MISC.PETITION NO: 34/2025

Between:

1.VANGARA RADHA DEVI, W/O PRUTHVI RANGANATH, D/O
VANGARA VENKATESWAR RAO, HINDU, AGED ABOUT 31 YEARS,
R/O. UPPALURU VILLAGE, KANKIPADU MANDAL, KRISHNA
DISTRICT.

...PETITIONER

AND

1.CHEDULLA PRUTHVI RANGANATH, S/o Ramachandraiah, Hindu,
Aged 33 years, Occ. Doctor, R/o. Flat No. 103, D-Block, CPR Enclave,
Koramenugunta, Postal Colony, Tirupati Rural Mandal, Chittoor 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 please to withdraw the HMOP. No 87 of 2024 on the file of Principal Senior Civil Judge, Tirupati and transfer the same to Family Court Judge, 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 HMOP.No:87 of 2024 on the file of Principal Senior Civil Judge, Tirupati.

Counsel for the Petitioner:

1.YARRAMSETTY VENKATESH

Counsel for the Respondent:

1.KATTAM REDDY DIVYA CHAITANYA

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.34 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 H.M.O.P.No.87 of 2024 on the file of the Principal Senior Civil Judge, Tirupati and transfer the same to the file of the Judge, Family Court, Vijayawada, Krishna District, for trial and disposal of the same.

2. 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 10.12.2020, in the presence of both side elders and well wishers, at Sri Bhadravathi Sametha Bhavanarushi Temple, Uppaluru Village, Kankipadu Mandal, Krishna District, as per the Hindu Rites and Caste Customs. After that, due to the matrimonial disputes between the spouses, the petitioner/wife has been residing separately in her parents' house at Uppaluri Village. The petitioner/wife further pleaded that in view of the harassment made by the respondent/husband, she lodged a complaint against the respondent and his family members dated 11.03.2024, which was registered as F.I.R.No.19 of 2024, for the offence punishable under Section 498-A of I.P.C.

& Sections 3 & 4 of the Dowry Prohibition Act, 1961, before Disha Police Station, Machilipatnam, the same is pending for investigation.

II. Learned counsel for the petitioner would further contend that with a view to cause inconvenience and to harass her, the respondent/husband filed a divorce petition against the petitioner/wife *vide* H.M.O.P.No.87 of 2024 on the file of the Principal Senior Civil Judge, Tirupati, under Section 13(1)(ia) of the Hindu Marriage Act, 1955, seeking for dissolution of the marriage and the same is pending for adjudication.

III. Learned counsel for the petitioner would further contend that the petitioner being a woman, has been residing separately at Uppaluri Village, the distance between Uppaluri Village and Tirupati is more than 400Kms and it is very difficult for the petitioner/wife to travel to attend the divorce case proceedings which was filed by the respondent/husband before the Court at Tirupati without any male assistance and that she was constrained to file the present petition against the respondent/husband, seeking withdrawal of H.M.O.P.No.87 of 2024 on the file of the Principal Senior Civil Judge, Tirupati and transfer the same to the Judge, Family Court, Vijayawada, Krishna District, for trial and disposal of the same.

3. Learned counsel for the petitioner would contend that the petitioner/wife herein has been residing separately and pursuing her Post Graduation Studies in the Medical College at Guntur.

4. It was brought to notice of this Court by the learned counsel for the respondent contended that the father of the respondent/husband herein filed a Criminal Case against the petitioner/wife, dated 04.03.2024, which was registered as Crime No.361 of 2024, under Sections 324, 506 r/w 34 I.P.C. 156(3) of Cr.P.C. before Tirupati Police Station and after completion of investigation, Police filed a charge sheet and the same was numbered as C.C.No.357 of 2025 on the file of the II Additional Junior Civil Judge, Tirupati, the same is pending for adjudication.

5. Learned counsel for the respondent contended that the respondent/husband is working as a Doctor in the Private Sector and currently residing in Hyderabad. He would contend that there are no merits in the petition filed by the petitioner and the present Transfer Civil Miscellaneous Petition may be dismissed.

6. Heard learned counsel appearing on both sides on record.

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 has been residing separately in Guntur and currently prosecuting her Post Graduation Studies in the Medical College at Guntur and she lodged a complaint against

the respondent/husband i.e., F.I.R.No.19 of 2024, for the offence punishable under Section 498-A I.P.C and Sections 3 & 4 of the Dowry Prohibition Act, 1961, before the Disha Police Station, Machilipatnam, the same is pending for investigation. The material on record further discloses that the respondent/husband herein also filed a petition against the petitioner/wife *vide* H.M.O.P.No.87 of 2024 on the file of the Principal Senior Civil Judge, Tirupati, under Section 13(1)(ia) of the Hindu Marriage Act, 1955, seeking for dissolution of the marriage and the same is pending for adjudication.

9. 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.”

10. The Apex Court in a case of **N.C.V. AISHWARYA VS A.S. SARAVANA KARTHIK SHA**², 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

¹(2000) 10 SCC 304

² 2022 LiveLaw (SC) 627

is the wife's convenience which must be looked at while considering transfer."

11. 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 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 H.M.O.P.No.87 of 2024 on the file of the Principal Senior Civil Judge, Tirupati and transfer the same to the file of the Principal Family Court, Vijayawada, Krishna District. Further, on considering the submissions made by the learned counsel for the respondent that the respondent/husband herein is an employee, working as a Doctor in a Private Hospital and currently residing in Hyderabad, therefore, it is desirable to dispense with the personal appearance of the respondent/husband herein i.e., the petitioner in H.M.O.P.No.87 of 2024 on the file of the Principal Senior Civil Judge, Tirupati, before the transferee Court, except on the days when his personal appearance is required before the said Court as per law.

12. In the result, the Transfer Civil Miscellaneous Petition is **allowed** and the H.M.O.P.No.87 of 2024 on the file of the Principal Senior Civil Judge, Tirupati, is hereby withdrawn and transferred to the file of the Principal Family Court, Vijayawada, Krishna District. The learned Principal Senior Civil Judge, Tirupati, shall transmit the case record in H.M.O.P.No.87 of 2024, to the file of the Principal Family Court, Vijayawada, Krishna District, 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 Principal Family Court, Vijayawada, Krishna District, on 22.12.2025, at 10.30 a.m. Later, the transferee Court i.e., learned Principal Family Court, Vijayawada, Krishna District, is hereby directed not to insist for the personal appearance of the respondent herein i.e., the petitioner in H.M.O.P.No.87 of 2024, 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 required as directed by the learned Principal Family Court, Vijayawada, Krishna District. 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: 10.11.2025
CVD