



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

[3397]

WEDNESDAY ,THE SEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

PRESENT

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

TRANS. CIVIL MISC.PETITION NO: 57/2025

Between:

Penupolu Sandeep Reddy

...PETITIONER

AND

Chowkacharla Sushma

...RESPONDENT

Counsel for the Petitioner:

1.C SUBODH

Counsel for the Respondent:

1.M V S AJAY KUMAR

The Court made the following:

ORDER:

Today when the matter has been taken up for hearing, there was no representation on behalf of the respondent, even though the matter is listed under the caption 'For Orders'.

2. The petitioner/husband herein filed the present petition under Section 24 of the Code of Civil Procedure, 1908, (for short 'the C.P.C.') seeking to withdraw the F.C.O.P.No.145 of 2023 on the file of the Family Court-cum-V Additional District Judge, Triupati, Chittoor District and transfer the same to the Judge, Family Court, Nellore, S.P.S.R. Nellore District, for trial.

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

I. The petitioner is the husband of the respondent and the marriage of the petitioner with the respondent was solemnized on 10.12.2020, at Gurrambabaiah Kalyana Mandapam, Ayappagudi Center, Nellore, as per the Hindu Rites and Caste Customs. Due to the matrimonial disputes between both the spouses, the respondent/wife has been residing separately at her parents' house at Nellore.

II. The petitioner/husband further pleaded that the respondent/wife had filed F.C.O.P.No.191 of 2023 on the file of the Family Court-cum-VI Additional District Judge, Nellore, S.P.S.R. Nellore District, under Section 9 of the Hindu Marriage Act, 1955, seeking restitution of conjugal rights and she also lodged a complaint against the petitioner/husband, dated 14.07.2024, in F.I.R. No.96 of 2024, for the offences punishable under Section 498-A of I.P.C. and under Sections 3

& 4 of the Dowry Prohibition Act, 1961, before Totapalli Gudur Police Station and the two (2) cases are pending for adjudication.

III. The petitioner/husband further pleaded that, he filed F.C.O.P.No.145 of 2023, which is pending before the Family Court-cum-V Additional District Judge, Triupati, Chittoor District, under Section 13(1)(ia) of the Hindu Marriage Act, 1955, seeking dissolution of the marriage. Since, the F.C.O.P.No.191 of 2023, filed by respondent/wife is pending for adjudication before the Family Court-cum-VI Additional District Judge, Nellore, S.P.S.R. Nellore District, the petitioner/husband is intending to withdraw the said F.C.O.P.No.145 of 2023, which is pending before the Family Court-cum-V Additional District Judge, Triupati, Chittoor District, which was instituted by him for proper adjudication along with F.C.O.P.No.191 of 2023, filed by the wife/respondent.

4. Heard learned counsel for the petitioner.

5. None appeared 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 the spouses, the petitioner/husband has instituted a case i.e., F.C.O.P.No.145 of 2023, which is pending before the Family Court-cum-V Additional District Judge, Triupati, Chittoor District, under Section 13(1)(ia) of the Hindu Marriage Act, 1955, seeking dissolution of the marriage and the respondent/wife also filed a case F.C.O.P.No.191 of 2023 on the file of the Family Court-cum-VI Additional District Judge, Nellore,

S.P.S.R. Nellore District, under Section 9 of the Hindu Marriage Act, 1955, seeking restitution of conjugal rights. Therefore, this Court deems it proper that both the cases have to be tried by the same Judge, to avoid the conflict of the decisions.

8. The petitioner/husband further pleaded that, he himself withdrawing the said F.C.O.P.No.145 of 2023 and seeking transfer from Family Court-cum-V Additional District Judge, Triupati, Chittoor District, to the Judge, Family Court, Nellore, S.P.S.R. Nellore District.

9. On considering the submissions made by the learned counsel for the petitioner Therefore, I am of the considered view that there are justifiable grounds to consider the request made by the petitioner/husband, seeking to withdraw the F.C.O.P.No.145 of 2023, on the file of the Family Court-cum-V Additional District Judge, Triupati, Chittoor District and transfer the same to the Judge, Family Court, Nellore, S.P.S.R. Nellore District.

10. In the result, the Transfer Civil Miscellaneous Petition is **allowed** and F.C.O.P.No.145 of 2023, on the file of the Family Court-cum-V Additional District Judge, Triupati, Chittoor District and transfer the same to the Judge, Family Court, Nellore, S.P.S.R. Nellore District. The learned Judge, Family Court-cum-V Additional District Judge, Triupati, Chittoor District, shall transmit the case record in F.C.O.P.No.145 of 2023, to the Judge, Family Court, Nellore, S.P.S.R. Nellore District, duly indexed as expeditiously as possible preferably within a period of two (02) weeks from the date of receipt of a copy of the order. Both the parties are directed to appear before the Judge, Family

Court, Nellore, S.P.S.R. Nellore District, on 23.06.2025, at 10.30.am. 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: 07.05.2025
CVD