



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

[3397]

FRIDAY, THE TWENTY FOURTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

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

TRANS. CIVIL MISC.PETITION NO: 87/2026

Between:

1.MANDA HIMABINDU, W/O.NAGAVARDHAN, D/O.SATYANARAYANA,
AGED ABOUT 31 YEARS, OCC HOUSEWIFE, R/O.D.NO. 11-100,
NEAR PANCHAYAT OFFICE, GUNTA MARKET,
RAMAKRISHNAPURAM, CHIRALA TOWN AND MANDAL, BAPATIA
DISTRICT-523155.

...PETITIONER

AND

1.GUNTUPALLI NAGAVARDHAN, S/o.Srinivasachary, Aged about 34
years, Occ Private Employee, R/o.D.No. 17-41, Plot No.58, Ravipadu
Road, Near Vagdevi Degree College, Ravipadu Village, Narasaraopeta
Mandal, Palnadu District-522603.

...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 H.M.O.P.No.325 of 2025 pending on the file of the court of Learned Civil Judge (Senior Division), Narasaraopeta, Guntur District to the Learned Civil Judge (Senior Division), Chirala, Prakasam District and transfer the same for trial and disposal to the Court of Learned Civil Judge (Senior Division), Chirala, Prakasam District, pending on its file

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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.325 of 2025 on the file of the court of Learned Civil Judge (Senior Division), Narasaraopeta, Guntur District, pending disposal of the main Tr.C.M.P.

Counsel for the Petitioner:

1.NAGA PRAVEEN VANKAYALAPATI

Counsel for the Respondent:

1.G V S MEHAR KUMAR

The Court made the following:

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO
TRANSFER CIVIL MISCELLANEOUS PETITION No.87 of 2026

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 withdraw H.M.O.P.No.325 of 2025 from the file of learned Civil Judge (Senior Division), Narasaraopeta, Guntur District and transfer the same to the file of the learned Civil Judge (Senior Division), Chirala, Prakasam District 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 15.02.2025 as per Hindu Marriage customs and rituals at Chirala. Thereafter, due to matrimonial disputes between the parties, the petitioner/wife has been residing separately at Chirala, Prakasam District.
- ii. The petitioner stated that she lodged a compliant *vide* Crime No.232 of 2025 and after investigation a charge sheet was filed *vide* C.C.No.907 of 2025 and she filed a Domestic Violence Case *vide* D.V.C.No.42 of 2025 on the file of the learned Additional Junior Civil Judge, Chirala, and the same are pending adjudication before the said Court.
- iii. The petitioner pleaded that the respondent/husband, in order to cause inconvenience to her, filed H.M.O.P.No.325 of 2025 on the

file of the learned Civil Judge (Senior Division), Narasaraopeta, Guntur District, seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955 and the same is pending adjudication. The petitioner further pleaded that it is very difficult for the petitioner/wife to appear before the learned Civil Judge (Senior Division), Narasaraopeta on each and every adjournment without any male assistance, and that she is constrained to file this petition.

3. Heard Sri Naga Praveen Vankayalapati, learned counsel for the petitioner and Sri G.V.S. Mehar Kumar, learned counsel for the respondent.

4. The learned counsel for the respondent submitted that the present Transfer Civil Miscellaneous Petition is devoid of merits and is liable to be dismissed. He further stated that the respondent is a software employee and currently staying at Puna and that it is very difficult for the respondent herein to appear before the learned Civil Judge (Senior Division), Chirala.

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 at Chirala, Prakasam District. The material on record discloses that the respondent/husband, filed H.M.O.P.No.325 of 2025 from the file of learned Civil Judge (Senior Division), Narasaraopeta, Guntur District, seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955 and the same is pending adjudication. The material on record further discloses that the petitioner herein lodged a complaint *vide* Crime No.232 of

2025 and after investigation a charge sheet was filed *vide* C.C.No.907 of 2025 and she filed a Domestic Violence Case *vide* D.V.C.No.42 of 2025 on the file of the learned Additional Junior Civil Judge, Chirala, and the same are pending adjudication before the said Court.

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

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, 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.325 of 2025 from

¹ 2022 LiveLaw (SC) 627

the file of learned Civil Judge (Senior Division), Narasaraopeta, Guntur District.

10. In the result, the present Transfer Civil Miscellaneous Petition is allowed, and H.M.O.P.No.325 of 2025 from the file of learned Civil Judge (Senior Division), Narasaraopeta, Guntur District is hereby withdrawn and transferred to the file of the learned Civil Judge (Senior Division), Chirala, Prakasam District. The learned Civil Judge (Senior Division), Narasaraopeta, Guntur District, shall transmit the case record in H.M.O.P.No.325 of 2025, to the file of the learned Civil Judge (Senior Division), Chirala, as expeditiously as possible, preferably within a period of two (02) weeks from the date of receipt of a copy of this order.

11. Considering the submissions made by the learned counsel for the respondent, since respondent herein is working as a software engineer and currently residing at Puna, this Court is of the considered view that it is desirable to dispense with the personal appearance of the respondent herein, i.e., the petitioner in H.M.O.P.No.325 of 2025, which is under the orders of transfer, except on the days when his personal appearance is specifically required before the transferee Court. Both the parties are hereby directed to appear before the learned Civil Judge (Senior Division), Chirala, Prakasam District, at 10:30 a.m. on 22.06.2026. Thereafter, the personal appearance of the respondent herein i.e., petitioner in H.M.O.P.No.325 of 2025, shall be dispensed with. The learned Civil Judge (Senior Division), Chirala, is hereby instructed not to insist upon the personal appearance of the respondent therein.

i.e., the petitioner in H.M.O.P.No.325 of 2025, as long as his counsel on record is attending the Court proceedings and representing the case, except on the day of recording his evidence in cross-examination, or for conducting reconciliation, or on any other day when his presence is essentially required before the said Court, as directed by the learned Civil Judge (Senior Division), Chirala. 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: 24.04.2026

JLSR

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.87 of 2026

Date: 24.04.2026

JLSR