



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

[3397]

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

PRESENT

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

TRANS. CIVIL MISC.PETITION NO: 79/2026

Between:

- 1.G.AMITHA, W/O ESTARLA KIRAN, AGE, 32 YEARS,
OCC, GOVT SERVICE, D/O ASSERVADAM, R/O D.
NO 37-1 -409/18B, 8TH CROSS ROAD, BHAGAVAN
NAGAR 4TH LANE, ONGOLE TOWN, PRAKASAM
DISTRICT, ANDHRA PRADESH. PIN -523002
- 2.ESTARLA EVEN HANVITH, W/O ESTARLA KIRAN,
AGED ABOUT 4 YEARS. PIN -5230002
- 3.ESTRLA EVIN JOHITH, S/O ESTARLA KIRAAN. AGED
ABOUT 2 YEARS, PIN -523002 (PETITIONERS NO 2
AND 3 BEING MINORS THEM MOTHER NATURAL
GUARDIAN REPRESENTS ON BEHALF OF THE 2ND
AND 3RD PETITIONERS.)

...PETITIONER(S)

AND

- 1.ESTARLA KIRAN, S/o Ramaiah, Age, 42 Years, Occ,
Lecturer, D.No 16-10-176, Bank Colony, Ramalinga
Puram, Nellore City, SPSR Nellore District. Andhra
Pradesh. Pin -52400

...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 may be pleased to transfer the G. W.O.P No. 99 OF 2025, on the file of Honble VI Addl District Judge Cum Family Court Judge at Nellore, and State of Andhra Pradesh same has withdrawn to transfer any other court in to the Court of District Judge Family Court, Ongole at Prakasam, and to pass such

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 may be pleased to stay all further proceedings in G.W.O.P No. 99 OF 2025, on the file of Hon'ble VI Addl District Judge Cum Family Court Judge at Nellore. Pending disposal of the Transfer CMP and to pass such

Counsel for the Petitioner(S):

1.M CHALAPATHI

Counsel for the Respondent:

1.

The Court made the following:

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO**TRANSFER CIVIL MISCELLANEOUS PETITION No.79 of 2026****ORDER:**

As per the Registry endorsement, registered notice sent by the Registry to the respondent was served. Despite service of notice, there is no representation on behalf of respondent. Therefore, 'service is 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 to transfer the G.W.O.P.No.99 of 2025, on the file of learned Judge, Family Court-cum-VI Additional District Judge, Nellore, to the file of learned Judge, Family Court, Ongole, for trial and disposal.

3. 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 08.07.2020 at Koti Indravathi Mini Function Hall, Nellore. Thereafter, due to matrimonial disputes between the parties, the petitioner/wife has been residing separately in her matrimonial home at Ongole, along with her children. The petitioner filed C.C.No.1309 of 2024 on the file of the learned II

Additional Judicial Magistrate of First Class, Ongole, Maintenance Case *vide* M.C.No.17 of 2024 on the file of the learned Judge, Family Court, Ongole, and D.V.C.No.14 of 2024 on the file of learned II Additional Judicial First Class Magistrate, Ongole, and the same is pending for adjudication.

ii. The petitioner further pleaded that the respondent/husband, to cause inconvenience to the petitioner, filed G.W.O.P.99 of 2025, on the file of learned Judge, Family court-cum-VI Additional District Judge, Nellore, seeking relief to declare as guardian of minors under Sections 7 to 10 of the Guardian and Wards Act, 1890, and the same is pending for adjudication. The petitioner further pleaded that it is very difficult for the petitioner/wife to appear before the learned Judge, Family court-cum-VI Additional District Judge, Nellore, on each and every adjournment without any male assistance, and that she is constrained to file this petition.

4. Heard learned counsel for the petitioner.
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 matrimonial home at Ongole, along with her children. The material on record further discloses that the respondent/husband filed a petition against the petitioner/wife *vide* G.W.O.P.99 of 2025, on the file of learned Judge, Family Court-cum-VI Additional District Judge, Nellore, seeking custody of the minor children under Sections 7 to 10 of the Guardians and Wards Act, 1890, and the same is pending for adjudication. The material on record further disclosed that the petitioner filed C.C.No.1309 of 2024 on the file of the learned II Additional Judicial Magistrate of First Class, Ongole, Maintenance Case *vide* M.C.No.17 of 2024 on the file of the learned Judge, Family Court, Ongole, and D.V.C.No.14 of 2024 on the file of learned II Additional Judicial First Class Magistrate, Ongole, and the same are pending for adjudication.

7. 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

¹ 2022 LiveLaw (SC) 627

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."

8. In the case at hand, the 1st petitioner/wife along with her children aged about 4 years, and 2 years are residing at Ongole, the respondent/husband filed G.W.O.P.No.99 of 2025 before the learned Family Court at Nellore. The 1st petitioner/wife instituted two other cases in the year 2024 before the competent Courts at Ongole against the respondent/husband herein and the same are pending. The distance between Ongole and Nellore is more than 100 kms, therefore, it is very difficult to travel the 1st petitioner/wife along with children aged about 4 years and 2 years respectively to Nellore. On considering the above said reasons, I am of the considered view that there are justifiable grounds to consider the request made by the petitioner/wife seeking transfer of G.W.O.P.No.99 of 2025, to the file of learned Judge, Family Court, Ongole.

10. In the result, the present Transfer Civil Miscellaneous Petition is allowed, and G.W.O.P.No.99 of 2025, on the file of learned Judge, Family Court-cum-VI Additional District Judge, Nellore, is hereby withdrawn and transferred to the file of the

learned Judge, Family Court, Ongole. The learned Judge, Family Court-cum-VI Additional District Judge, Nellore, shall transmit the case record in G.W.O.P.No.99 of 2025, to the file of the learned Judge, Family Court, Ongole, 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: 27.04.2026
LSP

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THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.79 of 2026

Date: 27.04.2026
LSP