

APHC010111802026



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

[3397]

TUESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

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

TRANS. CIVIL MISC. PETITION NO: 72/2026

Between:

1. SIKINAM CHENNAMMA, W/O. VEERESWARA RAO, AGED 40 YEARS. HOUSEWIFE, R/O.D.NO.11-22, ULAVAPADU VILLAGE AND MANDAL, PRAKASAM DISTRICT

...PETITIONER

AND

1. SIKINAM VEERESWARA RAO, S/o. Krishnaiah, aged 45 years, employee, R/o.D.no.1-42, Harijana colony, Karampudi village and mandal, Guntur 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 H.MO.P. No.204 of 2022 filed by the Respondent on the file of Senior Civil Judge, Gurazala and transfer to Senior Civil Judge Court, Kandukur, Prakasam District

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 to please to stay of all further proceedings in H.MO.P. No.204 of 2022 filed by the Respondent on the file of Senior Civil Judge, Gurazala

Counsel for the Petitioner:

1.Y NARAPA REDDY

Counsel for the Respondent:

1.

The Court made the following:

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO**TRANSFER CIVIL MISCELLANEOUS PETITION No.72 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.204 of 2022 on the file of learned Senior Civil Judge, Gurazala to the file of learned Senior Civil Judge, Kandukur, 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 29.12.2018 as per Hindu rites and customs at Lord Venkateswara Swamy Temple, Gurazala, Guntur District. Thereafter, due to matrimonial disputes between the parties, the petitioner/wife has been residing separately at Ulavapadu Village, Prakasam District along with her minor daughter, who is aged about six years.

ii. The petitioner submitted that she has filed lodged a complaint before the Ulavapadu Police Station for the offences punishable under Section 498A r/w 34 of the Indian Penal Code, 1860 and under Sections 3 and 4 of the Dowry Prohibition Act, 1961 vide Cr.No.22 of 2022 and she had filed a Maintenance Case *vide* M.C.No.31 of 2022 and D.V.C.No.6 of 2023 on the file of learned

Additional Munsif Magistrate, Kandukur, Prakasam District and the same are pending adjudication.

iii. The petitioner further pleaded that the respondent/husband, to cause inconvenience to the petitioner, filed H.M.O.P.No.204 of 2022, on the file of learned Senior Civil Judge, Gurazala, Palnadu District, under Section 13 (1) (ia) and (ib) of the Hindu Marriage Act, 1955, seeking dissolution of marriage and the same is pending adjudication. The petitioner further pleaded that the distance between Gurazala and Ulavapadu is approximately 200 kms and it is very difficult for the petitioner/wife to appear before the learned Senior Civil Judge, Gurazala, on each and every adjournment without any male assistance, and that she is constrained to file this petition.

3. Heard Sri Yannam Narapa Reddy, learned counsel for the petitioner.
4. Learned counsel for the petitioner would contend that as per the orders of this Court dated 01.05.2026, they sent notice to the counsel on record before the Court below. They have filed proof of service along with postal track consignment sheet. It shows that notice was served on the counsel on record before the trial Court on 09.06.2026. None appeared for respondent.
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 Ulavapadu Village along with her minor daughter. The material on record further discloses that the respondent/husband filed H.M.O.P.No.204 of 2022 on the file of learned Senior Civil Judge, Gurazala seeking dissolution of marriage under Section 13 (1) (ia) and (ib) of the Hindu Marriage Act, 1955 and the same is pending adjudication. The material on record further discloses that the petitioner has filed maintenance case vide M.C.No.31 of 2022 and D.V.C.No.6 of 2023 on the file of learned Additional Munsif Magistrate, Kandukur, Prakasam District and the same are 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 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

¹(2000) 10 SCC 304

² 2022 LiveLaw (SC) 627

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.204 of 2022 on the file of learned Senior Civil Judge, Gurazala to the file of learned Senior Civil Judge, Kandukur, Prakasam District.

10. In the result, the present Transfer Civil Miscellaneous Petition is allowed, and H.M.O.P.No.204 of 2022 on the file of learned Senior Civil Judge, Gurazala is hereby withdrawn and transferred to the file of learned Senior Civil Judge, Kandukur, Prakasam District. The learned Senior Civil Judge, Gurazala shall transmit the case record in H.M.O.P.No.204 of 2022, to the file of learned Senior Civil Judge, Kandukur, Prakasam District, as expeditiously as possible, preferably within a period of one (01) week from the date of receipt of a copy of this order. There shall be no order as to costs.

Registry is hereby instructed to transmit the copy of this order to the concerned Courts forthwith.

As a sequel, miscellaneous petitions, if any pending and the Interim Order granted earlier, if any, shall stand closed.

//TRUE COPY//

VENUTHURUMALLI GOPALA KRISHNA RAO,J

To,

2. Two CD Copies

**HIGH COURT
VGKRJ
DATED:16/06/2026**

**ORDER
TRCMP 72/2026**

ALLOWED NO COSTS

