



**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: 84/2026

Between:

1.KANNETHA SINDU PRASANTHI @ MAKKENA SINDHU PRASANTHI, W/O.MAKKENA GANDHI, D/O. K.SUBRAMANYAM, AGED ABOUT 29 YEARS, R/O.21-520/147 ADARS NAGAR, RADARU CENDRAM, MACHILIPATNAM, NOW RESIDING AT NTR COLONY 'D' BLOCK, CHINAKARAGRAHARAM, BUNDAR MANDAL KRISHNA DISTRICT.

...PETITIONER

AND

1.MAKKENA GANDHI, S/o. Subbarao, Aged about 38 years, Occ Crane Contractor, R/o.D.No.3-33, Ramalayam Bazaar, Enugupalem (Pettambanda), Vinukonda Mandal, Palnadu District-522649.

...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 H.M.O.P.No.262 of 2025 pending on the file of the court of Hon'ble Civil Judge (Senior

Division) Tenali, Guntur District and to transfer the same to the court of Hon'ble Civil Judge (Senior Division) Machilipatnam, Krishna District to try and dispose of with H.M.O.P.No.197 of 2025 filed by the petitioner herein, in the interest of justice and to pass

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 grant stay of all further proceedings including presence of the petitioner in H.M.O.P.No.262 of 2025 pending on the file of the court of Hon'ble Civil Judge (Senior Division) Tenali, Guntur District, pending disposal of the above Transfer C.M.P. in this Hon'ble Court, in the interest of justice and pass

Counsel for the Petitioner:

1.SAI GANGADHAR CHAMARTY

Counsel for the Respondent:

1.RACHAGARLA SUBBARAYUDU

The Court made the following:

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.84 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 transfer the H.M.O.P.No.262 of 2025, on the file of learned Civil Judge (Senior Division) Tenali, and to transfer the same to the Court of the learned Civil Judge (Senior Division) Machilipatnam and try along with H.M.O.P.No.197 of 2025 filed by the petitioner 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 18.12.2022 at Sri Venkateswara Swamy Temple, Vykuntapuram, Tenali, as per Hindu Rites and Caste customs. Thereafter, due to matrimonial disputes between the parties, the petitioner/wife has been residing separately at Machilipatnam in her father's house along with her female child.
- ii. The petitioner got filed H.M.O.P.No.197 of 2025, on the file of the learned Civil Judge(Senior Division)

Machilipatnam, under Section 13(1)(ia) of the Hindu Marriage Act, 1955, seeking dissolution of marriage and the same is pending for adjudication.

iii. The petitioner/wife further pleaded that to cause inconvenience to her, the respondent/husband filed H.M.O.P.No.262 of 2025, on the file of learned Civil Judge (Senior Division) Tenali, seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955 and the same is pending for adjudication. The petitioner/wife further pleaded that the distance between Machilipatnam and Tenali is approximately 100 Kilometers and it is very difficult for the petitioner/wife to appear before the learned Civil Judge (Senior Division) Tenali, on each and every adjournment without any male assistance, and that she is constrained to file this petition.

3. Heard Sri Sai Gangadhar Chamarty, learned counsel for the petitioner/wife and Sri R.Subba Rayudu, learned counsel for the respondent/husband.

4. Perused the material available on record.

5. Learned counsel for the petitioner would contend that the petitioner/wife is currently residing at Machilipatnam along with her female child she has instituted a petition against the respondent *vide* H.M.O.P.No.197 of 2025 on the file of learned Civil Judge (Senior Division) Machilipatnam, seeking for dissolution of marriage under Section 13(1)(ia) of the Hindu Marriage Act, 1955. He would further contend that subsequently, the respondent/husband herein had filed a petition against the petitioner/wife *vide* H.M.O.P.No.262 of 2025 on the file of the learned Civil Judge (Senior Division) Tenali, seeking for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955 and the same are pending for adjudication.

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 Machilipatnam in her father's house along with her female child. The material on record further discloses that the petitioner/wife filed H.M.O.P.No.197 of 2025 before the learned Civil Judge (senior Division) Machilipatnam, seeking for dissolution of marriage under Section 13(1)(ia) of the Hindu Marriage Act, 1955. Later, husband filed H.M.O.P.No.262 of 2025 before the learned Civil Judge (Senior Division) Tenali,

seeking for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955. Therefore, to avoid conflict decisions, both H.M.O.P.Nos.197 & 262 of 2025 have to be tried by the same Court.

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 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. On considering the submissions made by the learned counsel for the petitioner and in view of the ratio laid down in the aforesaid case law that, in matrimonial proceedings, the

¹ 2022 LiveLaw (SC) 627

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.262 of 2025, on the file of learned Civil Judge (Senior Division), Tenali to the learned Civil Judge (Senior Division), Machilipatnam.

9. In the result, the present Transfer Civil Miscellaneous Petition is allowed, and H.M.O.P.No.262 of 2025, on the file of learned Civil Judge (Senior Division), Tenali is hereby withdrawn and transferred to the file of the learned Civil Judge (Senior Division), Machilipatnam. The learned Civil Judge (Senior Division), Tenali, shall transmit the entire case record in H.M.O.P.No.262 of 2025, to the file of the learned Principal Civil Judge (Senior Division), Machilipatnam duly indexed as expeditiously as possible preferably within a period of two (2) weeks from the date of receipt of a copy of this order. Both the parties are directed to appear before the learned Principal Civil Judge (Senior Division), Machilipatnam, on 22.06.2026 at 10:30 A.M. 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

24.04.2026
LSP

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.84 of 2026

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