



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

[3397]

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

PRESENT

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

TRANS. CIVIL MISC.PETITION NO: 93/2025

Between:

1. MUNNA SAHITHI PRIYANAKA ALIAS PONNAPALLI
SAHITHI PRIYANKA,, D/O PONNAPALLI VENKATA
SURYA NARAYANA SHARMA, W/O KIREETI SAGAR,
AGED ABOUT 29 YEARS, R/O PLOT NO.313, TKR
TOWERS, INNER RING ROAD, NUNNA, VIJAYAWADA,
KRISHNA DISTRICT, A.P.,

...PETITIONER

AND

1. MUNNA KIREETI SAGAR, S/o Bala Raju, Aged about 31
years, Occ- Private Employee R/o D.No.1-136, Yadavula
Street, Jettipalem Village, Rentachinthala Mandal, Palnadu
District, A.P., Pin-522421.

...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 withdraw the H.M.O.P.
No.102 of 2024 on the file of the Civil Judge (Senior Division) at
Gurazala, Palnadu District filed by the respondent and transfer

the same to Honble IV Additional District and Sessions Judge Court, Vijayawada or any other court at Vijayawada and pass

IA NO: 1 OF 2025

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 of all further proceedings in H.M.O.P. No.102 of 2024 on the file of the Civil Judge (Senior Division) at Gurazala, Palnadu District pending disposal of the above transfer petition and pass

IA NO: 2 OF 2025

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 Pleased to vacate the "Interim Stay" granted by this Hon'ble Court on 24-03-2025 in Tr. CMP No. 93 of 2025 and dismiss the main Transfer Petition and allow the H.M.O.P No. 102 of 2024 to continue at Hon'ble Civil Judge (Senior Division) Gurazala and pas

Counsel for the Petitioner:

1.D KASIM SAHEB

Counsel for the Respondent:

1.Jalla Hemanth

The Court made the following:

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

TRANS. CIVIL MISC.PETITION NO: 93/2026

ORDER:

Today, when the matter has been taken up for hearing, learned counsel for the petitioner would submit that they have sent notice to the respondent and the same was served on 26.03.2026 and they have filed proof of service Memo has been filed before the Registry on 30.03.2026 *vide* U.S.R.No.36874 of 2026, along with the Postal Track Consignment Sheet downloaded from the Postal Department Website, and the same has been placed on record. Therefore, 'service held sufficient'.

2. The petitioner/wife herein filed the present petition under Section 24 r/w Section 151 of the Code of Civil Procedure, 1908 (for short, 'the C.P.C.'), seeking to transfer the H.M.O.P.No.6 of 2026, on the file of the learned Civil Judge(Senior Division), Sattenapalli, to the file of the learned Family Judge Court, Vijayawada, 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 09.10.2021 at Malyadri Lakshmi Narasimha Swammi Vari Devasthanam, Malakonda Valiveti Varipalem Mandal, Prakasam District. Thereafter, due to matrimonial disputes between the parties, the petitioner/wife has been residing separately along with her child at her parents' house in Kothapeta, Gannavaram Mandal, Krishna District.

ii. The petitioner submitted that she had lodged a complaint against the respondent/husband and his family members, dated 05.01.2026, which was registered as F.I.R. No.02 of 2026 for the offences punishable under Section 85 of BNS and Section 4 of Dowry Prohibition Act, 1961, before the Mahila Police Station, Machilipatnam, and the same is pending for adjudication.

iii. The petitioner further pleaded that the respondent/husband, to cause inconvenience and to harass the petitioner, filed H.M.O.P.No.06 of 2026, on the file of the learned Civil Judge (Senior Division), Sattenapalli, seeking restitution of Conjugal rights under Section 9 of Hindu Marriage Act, 1955, and the same is

pending for adjudication. The petitioner further pleaded that the distance between Kothapeta and Sattenapalli is more than 100 Kilometers, and it is very difficult for the petitioner/wife to appear before the learned Civil Judge (Senior Division) Sattenapalli, on each and every adjournment without any male assistance, and that she is constrained to file this petition.

4. Heard Sri B.V.Anjaneyulu, learned counsel for the petitioner/wife.

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 parents' house and depending upon the mercy of her parents. The material on record further discloses that the respondent/husband filed a H.M.O.P.No.6 of 2026 on the file of the learned Civil Judge (Senior Division), Sattenapalli, seeking restitution of Conjugal rights under Section 9 of the Hindu Marriage Act, 1995, and the same is 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 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 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

¹ 2022 LiveLaw (SC) 627

H.M.O.P.No.6 of 2026, on the file of the learned Civil Judge(Senior Division), Sattenapalli.

09. In the result, the present Transfer Civil Miscellaneous Petition is allowed, and H.M.O.P.No.6 of 2026, on the file of the learned Civil Judge (Senior Division), Sattenapalli, is hereby withdrawn and transferred to the file of the learned Principal Family Judge Court, Vijayawada. The learned Civil Judge (Senior Division), Sattenapalli, shall transmit the case record in H.M.O.P.No.6 of 2026 forthwith, to the file of the learned Principal Family Judge Court, Vijayawada. 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: 20.04.2026
LSP

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THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.93 of 2026

Date: 20.04.2026
LSP