

APHC010210842026



**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: 125/2026

Between:

- 1.DYTAGUNJA @ TAMMISSETTY MANASA RAMYA, W/O DYTAGUNJA SESHU MADHAVA RAO AGED ABOUT 28 YEARS, R/O D.NO 25-10-102, 2ND LINE, SRINIVASARAOPET, GUNTUR CITY GUNTUR DISTRICT ANDHRA PRADESH 522002
- 2.DYTAGUNJA JASWITHA, D/O DYTAGUNJA SESHU MADHAVA RAO REP BY IT'S HER MOTHER AND NATURAL GUARDIAN PETITIONER NO.1 AGED ABOUT 28 YEARS, R/O D.NO 25-10-102, 2ND LINE, SRINIVASARAOPET, GUNTUR CITY GUNTUR DISTRICT ANDHRA PRADESH 522002

...PETITIONER(S)

AND

- 1.DYTAGUNJA SESHU MADHAVA RAO, S/o Venkateswara Rao aged about 40 years R/o 13-411-2, Nizampet, Machilipatnam Krishna District Andhra Pradesh - 521001

...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.M.O.P No. 264/2024 on the file of the Principal Senior Civil Judge at Machilipatnam by transferring the same to the Judge Family Court-Addl. District and Sessions Court, Guntur may be tried along with F.C.O.P (MC) No 791/2025 and 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 stay all further proceeding in H.M.O.P No. 264/2024 on the file of the Principal Senior Civil Judge at Machilipatnam pending disposal of Tr. CMP and pass

Counsel for the Petitioner(S):

1.A.SRINIVASA RAO

Counsel for the Respondent:

1.

The Court made the following:

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO
TRANSFER CIVIL MISCELLANEOUS PETITION No.125 of 2026

ORDER:

The 1st 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.264 of 2024 on the file of learned Principal Senior Civil Judge, Machilipatnam and transfer the same to the file of learned Judge, Family Court-cum-Additional District and Sessions Court, Guntur, for trial and disposal.

2. The case of the petitioners in brief is as follows:

i. The 1st petitioner is the legally wedded wife of the respondent/husband, and their marriage was solemnized on 09.08.2017 in Sivalayam Temple, IPD Colony, Guntur, as per Hindu Marriage customs and rituals. Thereafter, due to matrimonial disputes between the parties, the 1st petitioner/wife has been residing separately at Guntur in her parent's house along with her minor daughter i.e. the 2nd petitioner.

ii. The petitioners pleaded that they filed a Maintenance Case in F.C.O.P.No.791 of 2025 under Section 144 (1) (a) (b) of the Bharatiya Nagarik Suraksha Sanhita, 2023, on the file of learned Judge, Family Court-cum-Additional District and Sessions Court, Guntur and the same is pending adjudication.

iii. The petitioners further pleaded that the respondent filed H.M.O.P.No.264 of 2024, on the file of learned Principal Senior Civil Judge, Machilipatnam, seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955 and the same is pending adjudication. The petitioners further pleaded that the distance between Guntur and Machilipatnam is more than 100 kms and it is very difficult for the 1st petitioner/wife to attend the case proceedings in H.M.O.P.No.264 of 2024 on the file of learned Principal Senior Civil Judge, Machilipatnam, on each and every adjournment without any male assistance, and that the petitioners are constrained to file this petition.

3. Heard learned counsel for the petitioner.
4. Notice was served on the respondent. None appeared for the 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 1st petitioner/wife has been residing separately at Guntur along with her minor daughter i.e. the 2nd petitioner. The material on record further discloses that the respondent/husband filed H.M.O.P.No.264 of 2024 on the file of learned Principal Senior Civil Judge, Machilipatnam 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 petitioners have filed F.C.O.P.No.791 of 2025 on the file of learned Judge, Family Court-cum-Additional District and Sessions Judge, Guntur, for claiming maintenance from the respondent 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***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.”

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 first petitioner/wife seeking transfer of H.M.O.P.No.264 of

¹ 2022 LiveLaw (SC) 627

2024 on the file of learned Principal Senior Civil Judge, Machilipatnam to the file of learned Judge, Family Court-cum-Additional District and Sessions Judge, Guntur.

9. In the result, the present Transfer Civil Miscellaneous Petition is allowed, and H.M.O.P.No.264 of 2024 on the file of learned Principal Senior Civil Judge, Machilipatnam is hereby withdrawn and transferred to the file of learned Judge, Family Court-cum-Additional District and Sessions Judge, Guntur. The learned Principal Senior Civil Judge, Machilipatnam, shall transmit the entire case record in H.M.O.P.No.264 of 2024, to the file of learned Judge, Family Court-cum-Additional District and Sessions Judge, Guntur, 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 125/2026**

ALLOWED NO COSTS

