

APHC010223342025



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

WEDNESDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE



PRESENT
THE HONOURABLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANS. CIVIL MISC.PETITION NO: 149 OF 2025

Between:

R.K.Bhindumadhavi, W/o. O. Ravi Sankar, Aged about 50 years, Occ:
Government Teacher, Residing at D.No.1-1-283, R.K.Nagar,
Ananthapuram, Ananthapuram District.

...PETITIONER/RESPONDENT

AND

O.Ravi Sankar, S/o Late O.Sudhakar, Aged about 51 years, Occ:
College Principal, Residing at Gif II A Block, Mayuri Green Lands,
NH-44, Dhone Road, Laxmipuram, Kurnool, Kurnool District.

...RESPONDENT/PETITIONER

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 withdraw and transfer the H.M.O.P No.10 of 2025 which is pending
on the file of the Senior Civil Judge, Kurnool and transfer the same to the
Family Court-cum-VII Additional District Judge, Anantapuramu, Anantapuramu
District.

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 to

stay all the further proceedings in H.M.O.P. 10 of 2025 on the file of Senior Civil Judge, Kurnool, pending disposal of the Transfer Civil Miscellaneous petition.

Counsel for the Petitioner : SRI O.UDAYA KUMAR, ADVOCATE

Counsel for the Respondent : --

The Court made the following ORDER :

THE HON'BLE SRI JUSTICE V.GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.149 of 2025

ORDER:

Today when the matter is taken up for hearing, Sri O.Uday Kumar, learned counsel for the petitioner has represented that the proof of service memo dated 05.08.2025, along with the postal track consignment sheet downloaded from the Postal Department Website is filed before the Registry and the same is placed on the record. As per the track consignment sheet, the registered notice sent to the respondent was served on him on 26.07.2025. Therefore, service held sufficient. None appeared for the respondent.

2. The petitioner/wife filed the present petition under Section 24 of the Code of Civil Procedure, 1908, seeking to withdraw H.M.O.P.No.10 of 2025, on the file of the Senior Civil Judge, Kurnool and transfer the same to the Family Court-Cum-VII Additional District Judge, Anantapuramu, Anantapuramu District.

3. The case of the petitioner in brief is as follows:

- I. The petitioner is the legally wedded wife of the respondent and their marriage has been performed at Ananthapuram District on 17.05.2002, as per Hindu rites and customs. In view of the matrimonial disputes between both the parties, the petitioner/wife is staying at her parents' house at Ananthapuramu, Ananthapuramu District and depending upon the mercy of her parents. The petitioner pleaded that she had lodged a

complaint under Sections 498-A, 307, 494, 506 IPC and under Sections 3 and 4 of the Dowry Prohibition Act and the same was numbered as S.C.No.43 of 2019, on the file of the IV Additional District Judge-Cum-Women Court, Anantapuramu and the same is pending for the evidence of the petitioner (P.W.1). The petitioner further pleaded that she had filed F.C.O.P.No.209 of 2024, on the file of the Family Court-Cum-VII Additional District Judge, Ananthapur, under Section 9 of the Hindu Marriage Act, 1955, seeking for restitution of conjugal rights and *vide* Order and Decree dated 28.02.2025, the said F.C.O.P., was allowed by the Court below. The learned counsel for the petitioner would contend that to cause inconvenience to the petitioner, the respondent/husband filed H.M.O.P.No.10 of 2025, on the file of the Senior Civil Judge, Kurnool, under Section 13(1)(ia)(ib) of the Hindu Marriage Act, 1955, seeking for dissolution of marriage.

- II. Learned counsel for the petitioner further contended that the petitioner being a woman, depending upon the mercy of her parents, it is very difficult for her to travel at a distance of more than 150 Kms from Ananthapuramu District to Kurnool for attending the Court proceedings before the learned Senior Civil Judge, Kurnool, without any male support and that she was constrained to file the present petition against the respondent/husband seeking to withdraw H.M.O.P.No.10 of 2025, on the file of the Senior Civil Judge, Kurnool and transfer the same to

the Family Court-Cum-VII Additional District Judge, Anantapuramu, Anantapuramu District.

4. Heard Sri O.Uday Kumar, learned counsel for the petitioner. Though registered notice sent to the respondent was served on him, none appeared for the respondent. Therefore, service held sufficient. Perused the material available on record.

5. The material on record *prima facie* goes to show that in view of the matrimonial disputes between both the parties, the petitioner/wife is staying at her parents' house at Ananthapuramu, Ananthapuramu District and she had filed a Criminal Case under Sections 498-A, 307, 494, 506 IPC and under Sections 3 and 4 of the Dowry Prohibition Act against the respondent/husband and the same was numbered as S.C.No.43 of 2019, on the file of the IV Additional District Judge-Cum-Women Court, Anantapuramu and the same is pending for the evidence of the petitioner (P.W.1). The respondent/husband has filed H.M.O.P.No.10 of 2025, on the file of the Senior Civil Judge, Kurnool, under Section 13(1)(ia)(ib) of the Hindu Marriage Act, 1955, seeking for dissolution of marriage.

6. 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."

¹ (2000) 10 SCC 304

7. The Apex Court in a case of **N.C.V. Aishwarya Vs A.S.Saravana Karthik Sha²** 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 laws that in matrimonial proceedings, the convenience of the wife has to be considered than that of the inconvenience of the husband. Therefore, this Court is of the considered view that there are grounds to consider the request of the petitioner/wife to withdraw H.M.O.P.No.10 of 2025, on the file of the Senior Civil Judge, Kurnool and transfer the same to the Family Court-Cum-VII Additional District Judge, Anantapuramu, Anantapuramu District.

9. In the result, the present petition is allowed and H.M.O.P.No.10 of 2025, on the file of the Senior Civil Judge, Kurnool, is hereby withdrawn and transferred to the Family Court-Cum-VII Additional District Judge, Anantapuramu, Anantapuramu District. The Senior Civil Judge, Kurnool, shall

² 2022 LiveLaw (SC) 627

transmit the case record in H.M.O.P.No.10 of 2025 to the Family Court-Cum-VII Additional District Judge, Anantapuramu, Anantapuramu District, duly indexed as expeditiously as possible preferably within a period of two (02) weeks from the date of receipt of a copy of the 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.

SD/- M.PRABHAKAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Senior Civil Judge, Kurnool, Kurnool District.
2. The Family Court-cum-VII Additional District Judge, Anantapuramu, Anantapuramu District.
3. One CC to Sri O.Udaya Kumar, Advocate [OPUC]
4. O.Ravi Sankar, S/o Late O.Sudhakar, Aged about 51 years, Occ: College Principal, Residing at Gif II A Block, Mayuri Green Lands, NH-44, Dhone Road, Laxmipuram, Kurnool, Kurnool District.
5. Two CD Copies

GPC

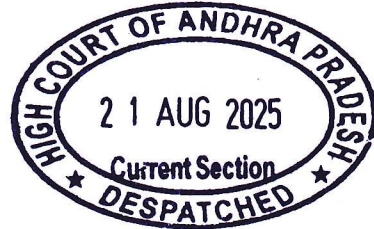
TAC

HIGH COURT

DATED: 06/08/2025

ORDER

TRCMP NO. 149 OF 2025



**ALLOWING THIS TRANSFER CIVIL
MISCELLANEOUS PETITION**