

[3397]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE THIRTY FIRST DAY OF JULY

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO

IA No. 1 OF 2025

IN

TRCMP NO: 238 OF 2025



Between:

Pampana Varalakshmi, D/o. Late Pampana Nookaraju, W/o. Kaki Dinesh Kumar, Aged 32 years, Female, R/o. Sri Dhanalakshmi Residency, Shop No.2, Shivalayam Street, Jagannaickpur, Kakinada.

...Petitioner(s)

(Petitioner in TRCMP 238 OF 2025

on the file of High Court)

AND

Kaki Dinesh Kumar, S/o. Nageswara Rao, Aged 38 years, Male, R/o. Flat No. 104, Balayya Sastry Layout, Near More Super Market, Vishakapatnam - 530013.

...Respondent(s)

(Respondents in-do-)

Counsel for the Petitioner : SRI MANGENA SREE RAMA RAO

Counsel for the Respondent :---

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 order Stay of all further proceedings in FCOP No. 2009/2023 on the file of Honourable Addl. Family Judge Court at Vishakapatnam, Pending disposal of TRCMP No. 238 of 2025, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER

“Heard Sri Mangena Sri Rama Rao, learned counsel for the petitioner.

Learned counsel for the petitioner contends that the petitioner is none other than the wife of the respondent/husband, due to the matrimonial disputes between both the parties, the petitioner/wife along with a female child aged about 5 years are residing separately at Kakinada at her parents’ house.

The petitioner pleaded that she had lodged a complaint before the Disha Urban Police Station, Kakinada under Sections 498-A, 506 r/w 34 IPC and under Sections 3 and 4 of the Dowry Prohibition Act vide Cr.No.01 of 2024 and the same is pending for investigation. The petitioner further pleaded that she had filed a Maintenance Case vide M.C.No.106 of 2024, on the file of the III Additional Judicial First Class Magistrate, Kakinada and a Domestic Violence Case vide D.V.C.No.98 of 2024, on the file of the V Additional Judicial First Class Magistrate, the same are pending for adjudication and the respondent/husband is attending the Court proceedings before the competent Courts at Kakinada.

Learned counsel for the petitioner would contend that to cause unnecessary inconvenience to the petitioner/wife, the respondent/husband has filed F.C.O.P.No.2009 of 2023, on the file of the Judge, Additional Family Court, Visakhapatnam, under Section 9 of the Hindu Marriage Act, seeking for restitution of conjugal rights.

Learned counsel for the petitioner would further contend the petitioner/wife along with a female child aged about 5 years has been residing separately at her parents’ house and depending upon the mercy

of her parents. He would further contend that, the distance between Kakinada and Visakhapatnam is more than 300 Kms, it is very difficult for the petitioner/wife to attend the restitution case proceedings before the learned Judge, Additional Family Court, Visakhapatnam, on each and every adjournment without any male assistance and that she is constrained to file the present transfer petition.

Perused the record.

Considering the submissions made by the learned counsel for the petitioner and for the reasons mentioned in the accompanying affidavit, there shall be an interim stay on all further proceedings including the appearance of the petitioner i.e., the respondent in F.C.O.P.No.2009 of 2023, on the file of the Judge, Additional Family Court, till 01.09.2025.

Learned counsel for the petitioner is permitted to take out personal notice to the respondent through Registered Post with Acknowledgment Due and file proof of service before the Registry."

SD/- M.SRINIVAS
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

For ,

To,

1. The Addl. Family Judge Court at Vishakapatnam
2. Kaki Dinesh Kumar, S/o. Nageswara Rao, Aged 38 years, Male, R/o.
Flat No. 104, Balayya Sastry Layout, Near More Super Market,
Vishakapatnam - 530013.(By RPAD)
3. One CC to SRI. MANGENA SREE RAMA RAO Advocate [OPUC]
4. One spare copy

HIGH COURT

VGKR,J

DATED:31/07/2025

POST THE MATTER ON 01.09.2025.

ORDER

IA No. 1 OF 2025

IN

TRCMP NO: 238 OF 2025

INTERIM STAY

