

APHC010414822025



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI



FRIDAY, THE TWENTY FOURTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANS. CIVIL MISC.PETITION NO: 290 OF 2025

Between:

P.Sandhya Rani, W/o.Talhari Arun Kumar, aged about 38 years, Private Employee, D.No.5-2-71, Lakshmipuram, Opp.Alluri Seetharamaraju Municipal School, Hindupuram Town and Mandal, Satya Sai District. Now residing at Room No.6, 2nd Floor, Skanda Sree Apartment, 5th Cross Road, Near Bescom Office, Tata Nagar, Bangalore City, Karnataka State. Cell No.9652273225.

...Petitioner/Respondent

AND

Talari Arun Kumar, S/o.Rama Narayana, aged about 39 years, Private Employee, now residing at D.No.1-230-A, Amineni Street, Madanapalle Town and Mandal, Annamayya District-517325. Previously residing at D.No.1-77/1, Santhagate Street, Somaia Mandal, Chittoor District. Cell No. 9985942932.

...Respondent/Petitioner

Petition filed 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 the case H.M.O.P.No.56 of 2025 on the file of the Senior Civil Judge, Madanapalle to the Senior Civil Judge, Hindupur.

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 further proceedings including appearance of the petitioner in H.M.O.P.No.56 of 2025 on the file of the Senior Civil Judge, Madanapalle pending disposal of the Transfer Petition.

Counsel for the Petitioner: Sri G.Sravan Kumar

Counsel for the Respondent: None appeared

The Court made the following:

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO
TRANSFER CIVIL MISCELLANEOUS PETITION No.290 of 2025

ORDER:

Today, when the matter has been taken up for hearing, learned counsel for the petitioner has submitted that, proof of service Memo has been filed before the Registry on 23.10.2025 *vide* U.S.R.No.120195 of 2025, along with the Postal Track Consignment Sheet downloaded from the Postal Department Website and the same is placed on the record. As per the Postal Track Consignment Sheet, the registered notice sent to the respondent and the same was served on him on 01.10.2025. Despite service of notice, there is no representation on behalf of respondent. Therefore, 'service held sufficient'.

2. 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 for withdrawal of H.M.O.P.No.56 of 2025 on the file of the Senior Civil Judge, Madanapalle, Annamayya District and transfer the same to the Senior Civil Judge, Hindupur, Satya Sai District, for trial and disposal of the same.

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

I. The petitioner is legally wedded wife of the respondent/husband and their marriage was performed on 18.08.2023, in the presence of both side elders and well

wishers at Sree Ramalayam Kalyanamandapam, Society Colony, Madanapalle Town, as per the Hindu Rites and Caste Customs. Later, in view of the matrimonial disputes between both the spouses; the petitioner/wife has been residing separately and depending upon the mercy of her parents at Hindupur Town, Satya Sai District.

II. Learned counsel for the petitioner would further contend that with a view to cause inconvenience and to harass the petitioner/wife, the respondent/husband herein had filed a petition *vide* H.M.O.P.No.56 of 2025 on the file of the Senior Civil Judge, Madanapalle, Annamayya District, under Section 9 of the Hindu Marriage Act, 1955, seeking restitution of conjugal rights and the same is pending for adjudication.

III. Learned counsel for the petitioner would further contend that the petitioner being a woman, has been residing separately and depending upon the mercy of her parents at Hindupur Town, Satya Sai District and the distance between Hindupur and Madanapalle is more than 130Kms, it is very difficult for her to travel to attend the restitution case proceedings which was filed by the respondent/husband

herein, before the Court at Madanapalle without any male assistance and that she was constrained to file the present petition against the respondent/husband, seeking for withdrawal of H.M.O.P.No.56 of 2025 on the file of the Senior Civil Judge, Madanapalle, Annamayya District and transfer the same to the Senior Civil Judge, Hindupur, Satya Sai District, for trial and disposal of the same.

4. Heard G. Sravan Kumar, learned counsel for the petitioner.
5. Though registered notice sent to the respondent and the same was served on him, none appeared for the respondent. Therefore, 'service held sufficient'.
6. Perused the material available on record.
7. The material on record *prima facie* goes to shows that, in view of the matrimonial disputes, the petitioner/wife has been residing separately and depending upon the mercy of her parents at Madanapalle. The material on record further discloses that the respondent/husband had filed a petition against the petitioner/wife herein *vide* H.M.O.P.No.56 of 2025 on the file of the Senior Civil Judge, Madanapalle, Annamayya District, under Section 9 of the

Hindu Marriage Act, 1955, seeking restitution of conjugal rights and the same is pending for adjudication.

8. 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.”

9. 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 than that of the inconvenience of the husband. Therefore, I am of the considered view that there are justifiable grounds to consider the request made by the petitioner/wife, seeking for withdrawal of H.M.O.P.No.56

¹ 2022 LiveLaw (SC) 627

of 2025 on the file of the Senior Civil Judge, Madanapalle and transfer the same to the Senior Civil Judge, Hindupur, Satya Sai District.

10. In the result, the present Transfer Civil Miscellaneous Petition is **allowed** and the H.M.O.P.No.56 of 2025 on the file of the Senior Civil Judge, Madanapalle, is hereby withdrawn and transferred to the Senior Civil Judge, Hindupur. The learned Senior Civil Judge, Madanapalle, shall transmit the case record in H.M.O.P.No.56 of 2025, to the Senior Civil Judge, Hindupur, Satya Sai District, duly indexed as expeditiously as possible, preferably within a period of two (02) weeks from the date of receipt of a copy of this 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.

//TRUE COPY//

Sd/- M SRINIVAS
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Civil Judge (Senior Division), Madanapalle, Chittoor District.
2. The Civil Judge (Senior Division), Hindupur, Satya Sai District.
3. P.Sandhya Rani, W/o.Talhari Arun Kumar, Private Employee, D.No.5-2-71, Lakshmipuram, Opp.Alluri Seetharamaraju Municipal School, Hindupuram Town and Mandal, Satya Sai District. Now residing at Room No.6, 2nd Floor, Skanda Sree Apartment, 5th Cross Road, Near Bescom Office, Tata Nagar, Bangalore City, Karnataka State. Cell No.9652273225.

4. Talari Arun Kumar, S/o.Rama Narayana, Private Employee, now residing at D.No.1-230-A, Amineni Street, Madanapalle Town and Mandal, Annamayya District-517325. Previously residing at D.No.1-77/1, Santhagate Street, Somaia Mandal, Chittoor District. Cell No. 9985942932.
5. One CC to Sri G.Sravan Kumar, Advocate [OPUC]
6. **Two CD Copies**

BSV
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HIGH COURT

DATED:24/10/2025

ORDER

TRCMP NO. 290 OF 2025



ALLOWING THE TR.CMP WITHOUT COSTS