



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI



THURSDAY, THE TWENTY THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANS. CIVIL MISC.PETITION NO: 272 OF 2025

Between:

Yadlapalli @ Samudram Bhavya, D/o.Samudram Vitalakshudu, aged 31 years, Hindu, Housewife, R/o.D.No.30-19-15, Vadlapudi, RH Colony, Post Office street, Kurmannapalem, Vishakhapatnam-530046, Vizag DMC.

...Petitioner/Respondent

AND

Yadlapalli Syam Kumar, S/o.Gnaneswara Rao, aged 34 years, Hindu, IT Employee, R/o.D.No.13-4-2, Near Saibaba Temple, Chirala Town and Mandal, Bapatla District.

...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 transfer the H.M.O.P.No.33 of 2024 on the file of the Senior Civil Judge at Chirala to the V Additional District and Sessions-cum-Principal Family Court, Visakhapatnam.

IA NO: 1 OF 2025

Petition filed 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 in HMOP.33 of 2024 pending on the file of Senior Civil Judge, at Chirala including appearance of the petitioner pending disposal of the present Transfer Petition.

Counsel for the Petitioner: Sri Vurakaranam V S Sesha Kesav

Counsel for the Respondent: Sri Subba Rao Korrapati

The Court made the following:

THE HON'BLE SRI JUSTICE V.GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION No.272 of 2025

ORDER:

The petitioner/wife filed the present petition under Section 24 of the Code of Civil Procedure, 1908, seeking to transfer H.M.O.P.No.33 of 2024, on the file of the Senior Civil Judge at Chirala to the V Additional District and Sessions Judge-Cum-Judge, Principal Family Court, Visakhapatnam.

2. 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 Chirala on 29.04.2018, as per Hindu rites and customs. In view of the matrimonial disputes between both the parties, the petitioner/wife is staying along with her son aged about 6 years at her parents' house at Kurmannapalem, Visakhapatnam and depending upon the mercy of her parents. The learned counsel for the petitioner would contend that to cause inconvenience to the petitioner, the respondent/husband filed H.M.O.P.No.33 of 2024, on the file of the Senior Civil Judge at Chirala, under Section 9 of the Hindu Marriage Act, 1955, seeking for restitution of conjugal rights.
- II. Learned counsel for the petitioner further contended that the petitioner being a woman having a son aged about 6 years, depending upon the mercy of her parents, it is very difficult for her to travel at a distance of



approximately more than 400 Kms from Visakhapatnam to Chirala for attending the Court proceedings before the learned Senior Civil Judge at Chirala, without any male support and that she was constrained to file the present petition against the respondent/husband seeking to transfer H.M.O.P.No.33 of 2024, on the file of the Senior Civil Judge at Chirala to the V Additional District and Sessions Judge-Cum-Judge, Principal Family Court, Visakhapatnam.

3. Learned counsel for the respondent would contend that the respondent/husband is working as an I.T. employee and is currently residing at Chirala and attending work from home, as such there are no grounds to allow the petition filed by the petitioner/wife seeking for transfer of the case in H.M.O.P.No.33 of 2024 from the Senior Civil Judge Court at Chirala to the V Additional District and Sessions Judge-Cum-Judge, Principal Family Court, Visakhapatnam and requested to dismiss the present transfer civil miscellaneous petition.

4. Heard V.S.Sesha Kesav, learned counsel for the petitioner and Sri Subba Rao Korrapati, learned counsel for the respondent. 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 along with her son aged about 6 years are staying at her parents' house at Kurmannapalem, Visakhapatnam and depending upon the mercy of her



parents. The respondent/husband had filed H.M.O.P.No.33 of 2024, on the file of the Senior Civil Judge at Chirala, under Section 9 of the Hindu Marriage Act, 1955, seeking for restitution of conjugal rights.

6. 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."

7. On considering the submissions made by the learned counsel appearing for both sides 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 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 transfer H.M.O.P.No.33 of 2024, on the file of the Senior Civil Judge at Chirala to the V Additional District and Sessions Judge-Cum-Judge, Principal Family Court, Visakhapatnam. Further, on considering the submissions made by the learned counsel for the respondent, as the

¹ 2022 LiveLaw (SC) 627

respondent/husband is working as an I.T. employee and is currently residing at Chirala by attending his work from home, the personal attendance of the respondent/husband has been dispensed with before the transferee Court, except on the days when his presence is required before the learned V Additional District and Sessions Judge-Cum-Judge, Principal Family Court, Visakhapatnam.

9. In the result, the present petition is allowed and H.M.O.P.No.33 of 2024, on the file of the Senior Civil Judge at Chirala, is hereby withdrawn and transferred to the V Additional District and Sessions Judge-Cum-Judge, Principal Family Court, Visakhapatnam. The Senior Civil Judge at Chirala, shall transmit the case record in H.M.O.P.No.33 of 2024 to the V Additional District and Sessions Judge-Cum-Judge, Principal Family Court, Visakhapatnam, 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. Both the parties are directed to appear before the learned V Additional District and Sessions Judge-Cum-Judge, Principal Family Court, Visakhapatnam on 03.12.2025 at 10.30 a.m., later the learned V Additional District and Sessions Judge-Cum-Judge, Principal Family Court, Visakhapatnam, is directed not to insist for the personal appearance of the respondent/husband i.e., the petitioner in H.M.O.P.No.33 of 2024, as long as his counsel is attending the Court proceedings and representing the case except on the day when reconciliation proceedings are being taken up or on the day when his cross-examination is required to be recorded or on any other day when his personal

appearance is required as directed by the V Additional District and Sessions Judge-Cum-Judge, Principal Family Court, Visakhapatnam. 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/- SHAIK MOHD. RAFI
DEPUTY REGISTRAR

//TRUE COPY//



SECTION OFFICER

To,

1. The V Additional District and Sessions Judge-cum-Judge, Principal Family Court, Visakhapatnam, Visakhapatnam District.
2. The Civil Judge (Senior Division), Chirala, Prakasam District.
3. Yadlapalli @ Samudram Bhavya, D/o.Samudram Vitalakshudu, R/o.D.No.30-19-15, Vadlapudi, RH Colony, Post Office street, Kurmannapalem, Vishakhapatnam-530046, Vizag DMC.
4. Yadlapalli Syam Kumar, S/o.Gnaneswara Rao, IT Employee, R/o.D.No.13-4-2, Near Saibaba Temple, Chirala Town and Mandal, Bapatla District.
5. One CC to Sri Vurakaranam V S Sesha Kesav, Advocate [OPUC]
6. One CC to Sri Subba Rao Korrapati, Advocate [OPUC]
7. **Two CD Copies**

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HIGH COURT

DATED:23/10/2025

ORDER

TRCMP NO. 272 OF 2025



ALLOWING THE TR.C.M.P. WITHOUT COSTS