



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3397]

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA
KRISHNA RAO**

TRANS. CIVIL MISC.PETITION NO: 283/2025

Between:

Thirumalasetty @ Kurakula Kalpana Sai

...PETITIONER

AND

Thirumalasetti Mounesh

...RESPONDENT

Counsel for the Petitioner:

1.B VAMSI KRISHNA

Counsel for the Respondent:

1. HARINATH REDDY SOMA

TRANS. CIVIL MISC.PETITION NO: 397/2025

Between:

Thirumalasetty Mounesh,

...PETITIONER

AND

Kurakula Kalpana Sai Kalpana...**RESPONDENT**

Counsel for the Petitioner:

1.HARINATH REDDY SOMA

Counsel for the Respondent:

1.B VAMSI KRISHNA

The Court made the following:

THE HON'BLE SRI JUSTICE V.GOPALA KRISHNA RAO

TRANSFER CIVIL MISCELLANEOUS PETITION Nos.283 & 397 of 2025

COMMON ORDER:

The petitioner/wife in Tr.C.M.P.No.283 of 2025 filed the present petition under Section 24 of the Code of Civil Procedure, 1908, seeking to transfer H.M.O.P.No.155 of 2025, on the file of the Principal Senior Civil Judge, Gudur, to the Principal Senior Civil Judge, Madanapalle.

The petitioner/husband in Tr.C.M.P.No.397 of 2025 filed the present petition under Section 24 of the Code of Civil Procedure, 1908, seeking to withdraw H.M.O.P.No.182 of 2025, on the file of the Principal Senior Civil Judge, Madanapalle, and to transfer the same to the Principal Senior Civil Judge, Gudur.

2. Since the issue involved in both the transfer civil miscellaneous petitions is one and the same and the parties in both the transfer petitions are also one and the same, the present transfer civil miscellaneous petitions are heard together and a common order is being passed in both these transfer petitions.

3. The case of the petitioner/wife in Tr.C.M.P.No.283 of 2025, who is the respondent in Tr.C.M.P.No.397 of 2025 in brief is as follows:

- i. The petitioner is the legally wedded wife of the respondent/husband and their marriage has been performed on 24.02.2023 at Sullurupet as per Hindu rites and customs. In view of the matrimonial disputes between both the parties, the petitioner/wife along with her son aged about two

(02) years is staying at her parents' house at Chinna Thippa Samudram, Madanapalle Mandal and depending upon the mercy of her parents. The petitioner pleaded that she had lodged a complaint before the Madanapalle Rural Police Station, Annamayya District vide FIR.No.140 of 2025 under Sections 85 r/w 3(5) BNS and under Sections 3 and 4 of the Dowry Prohibition Act and the same is pending for investigation. The petitioner further pleaded that she had also filed a case H.M.O.P.No.182 of 2025, on the file of the Principal Senior Civil Judge, Madanapalle, under Section 9 of the Hindu Marriage Act, 1955, seeking restitution of conjugal rights and the husband of the petitioner is attending the Court proceedings in the aforesaid case before the competent Court at Madanapalle. The learned counsel for the petitioner would contend that to cause inconvenience to the petitioner, the respondent/husband filed a H.M.O.P.No.155 of 2025, on the file of the Principal Senior Civil Judge, Gudur, under Section 13(1)(i)(a) of the Hindu Marriage Act, 1955, seeking dissolution of marriage.

- ii. Learned counsel for the petitioner/wife further contended that the petitioner being a woman having a child aged about two (02) years and depending upon the mercy of her parents, it is very difficult for her to travel a distance of more than 250 kms from Chinna Thippa Samudram, Madanapalle to Gudur for attending the divorce case proceedings before the learned Principal Senior Civil Judge, Gudur, on each and every date of adjournment without any male support and that she was constrained to file Tr.C.M.P.No.283 of 2025 against the respondent/husband seeking to transfer H.M.O.P.No.155 of 2025, on

the file of the Principal Senior Civil Judge, Gudur, to the Principal Senior Civil Judge, Madanapalle.

4. The case of the petitioner/husband in Tr.C.M.P.No.397 of 2025, who is the respondent in Tr.C.M.P.No.283 of 2025 in brief is as follows:

- I. The petitioner herein is the husband of the respondent/wife and their marriage has been performed on 24.02.2023 at Sullurupet as per Hindu rites and customs. In view of the matrimonial disputes between both the parties, the respondent/wife along with her son aged about two (02) years is staying at her parents' house at Chinna Thippa Samudram, Madanapalle Mandal and depending upon the mercy of her parents. The petitioner pleaded that the respondent had lodged a complaint against him before the Madanapalle Rural Police Station, Annamayya District vide FIR.No.140 of 2025 under Sections 85 r/w 3(5) BNS and under Sections 3 and 4 of the Dowry Prohibition Act and the same is pending for investigation. The petitioner further pleaded that the respondent had also filed a case H.M.O.P.No.182 of 2025, on the file of the Principal Senior Civil Judge, Madanapalle, under Section 9 of the Hindu Marriage Act, 1955, seeking restitution of conjugal rights and the petitioner/husband is attending the Court proceedings in the aforesaid case before the competent Court at Madanapalle. The learned counsel for the petitioner/husband would contend that he filed H.M.O.P.No.155 of 2025, on the file of the Principal Senior Civil Judge, Gudur, under Section 13(1)(i)(a) of the Hindu Marriage Act, 1955, seeking dissolution of marriage.

II. Learned counsel for the petitioner/husband further contended that the petitioner is staying at Bangalore, and further the respondent/wife is very influential at Madanapalle and she would try to implicate the petitioner/husband in various criminal cases, as such the petitioner/husband is apprehending danger to attend the restitution case proceedings before the Court at Madanapalle and that the petitioner/husband was constrained to file Tr.C.M.P.No.397 of 2025 against the respondent/wife seeking to withdraw H.M.O.P.No.182 of 2025, on the file of the Principal Senior Civil Judge, Madanapalle, and to transfer the same to the Principal Senior Civil Judge, Gudur.

5. Heard Sri B.Vamsi Krishna, learned counsel appearing for the petitioner/wife and Sri Harinath Reddy Soma, learned counsel for the respondent/husband. Perused the material available on record.

6. The undisputed facts of both the parties are that they are the wife and husband and the wife along with her son aged about two (02) years are residing currently at Chinna Thippa Samudram, Madanapalle Mandal, at her parents' house. The husband is residing in Bangalore. Furthermore, the petitioner/wife filed Tr.C.M.P.No.283 of 2025, with a specific plea that she is residing along with her male child aged about two (02) years at her parents' house and she instituted four (04) cases against her husband before the competent Courts at Madanapalle, and in order to cause inconvenience, her husband filed H.M.O.P.No.155 of 2025, on the file of the Principal Senior Civil Judge, Gudur, under Section 13(1)(i)(a) of the Hindu Marriage Act, 1955, seeking for dissolution of marriage. Therefore, it is very difficult for the wife to

travel at a distance of 250 kms from Chinna Thippa Samudram, Madanapalle Mandal to Gudur along with her male child aged about two (02) years.

7. 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.”

8. The Apex Court in a case of **N.C.V. Aishwarya Vs A.S.Saravana Karthik Sha**² 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 appearing for both sides 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 in Tr.C.M.P.No.283 of 2025, which is filed seeking to transfer H.M.O.P.No.155 of 2025, on the file of the Principal Senior Civil

¹ (2000) 10 SCC 304

² 2022 LiveLaw (SC) 627

Judge, Gudur, to the Principal Senior Civil Judge, Madanapalle. Furthermore, the husband has filed Tr.C.M.P.No.397 of 2025 seeking to transfer H.M.O.P.No.182 of 2025 from Madanapalle to Gudur, but, even as per the own case of the husband, he is currently residing at Bangalore, but not in Gudur. Therefore, this Court is of the considered view that there are no merits in Tr.C.M.P.No.397 of 2025 filed by the husband and the same is liable to be dismissed.

10. In the result, the transfer civil miscellaneous petition vide Tr.C.M.P.No.283 of 2025 filed by the wife is allowed and H.M.O.P.No.155 of 2025, on the file of the Principal Senior Civil Judge, Gudur, is hereby withdrawn and transferred to the Principal Senior Civil Judge, Madanapalle. The Principal Senior Civil Judge, Gudur, shall transmit the case record in H.M.O.P.No.155 of 2025 to the Principal Senior Civil Judge, Madanapalle, duly indexed within a period of two (02) weeks from the date of receipt of a copy of the order. Further, the transfer civil miscellaneous petition vide Tr.C.M.P.No.397 of 2025 filed by the husband is dismissed. 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.

JUSTICE V.GOPALA KRISHNA RAO

Date: 22.04.2026

SRT