



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

[3397]

MONDAY ,THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

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

TRANS. CIVIL MISC.PETITION NO: 430/2024

Between:

Nadakuduru Durga Bhavani

...PETITIONER

AND

Nadakuduru Suresh Varma

...RESPONDENT

Counsel for the Petitioner:

1.KARRE SATYANANDAM

Counsel for the Respondent:

1.SRINIVASU L

The Court made the following:

ORDER:

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 transfer of H.M.O.P.No.150 of 2024 on the file of the Additional Senior Civil Judge, Tenali, Guntur District, to the Senior Civil Judge, Nuzividu, Krishna District, for trial.

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

- I. The petitioner is the legally wedded wife of the respondent and the marriage of the petitioner with the respondent was solemnized on 04.10.2009, at Jampalavari Kalyana Mandapam, Duggirala, Guntur District, as per the Hindu Rites and Caste Customs. During their wedlock period, the petitioner/wife and the respondent/husband were blessed with a child. Due to the matrimonial disputes between both the spouses, the petitioner/wife has been residing separately along with her child aged about 11 years at her parents' house at Ramannagundem Village, Nuzividu Mandal, Krishna District. The petitioner/wife further pleaded that to cause unnecessary inconvenience to her, the respondent/husband had filed H.M.O.P.No.150 of 2024 on the file of the Additional Senior Civil Judge, Tenali, Guntur District, under Section 13(1)(ia)(ib) of the Hindu Marriage Act, 1955, seeking dissolution of the marriage and the same is pending for adjudication.
- II. The petitioner/wife further pleaded that, she being a woman, residing separately along with her child and also depending upon her parents at Ramannagundem Village, Nuzividu Mandal, Krishna District, it is very difficult for her to travel at a distance of more than 100Kms from Ramannagundem Village to Tenali to attend the divorce case proceedings on each and every adjournment without any male support and that she is constrained to file the present petition seeking transfer of H.M.O.P.No.150

of 2024 on the file of the Additional Senior Civil Judge, Tenali, Guntur District, to the Senior Civil Judge, Nuzividu, Krishna District.

3. Learned counsel for the petitioner submits that the respondent/husband is not residing at Tenali and at present, he is residing at Morampudi Village.

4. Sri L. Sinivasulu, learned counsel for the respondent would contend that there are no other pending cases between both the parties, except the said H.M.O.P.No.150 of 2024, which is pending before the Additional Senior Civil Judge, Tenali, in case, if this Court is inclined to transfer the said case from Tenali to Nuzividu, the personal appearance of the respondent herein i.e., petitioner in H.M.O.P.No.150 of 2024, may be dispensed with before the transferee Court.

5. Heard learned counsel appearing on both sides on record.

6. Perused the material available on record.

7. The material on record *prima facie* goes to show that due to the matrimonial disputes between both the spouses, the petitioner/wife has been residing separately along with her child aged about 11 years at her parents' house at Ramannagundem Village, Nuzividu Mandal, Krishna District. As seen from the material available on record, the respondent/husband has instituted a case i.e., H.M.O.P.No.150 of 2024 on the file of the Additional Senior Civil Judge, Tenali, Guntur District, under Section 13(1)(ia)(ib) of the Hindu Marriage Act, 1955, seeking dissolution of the marriage and the same is pending for adjudication.

8. 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.”

9. The Apex Court in a case of **N.C.V. AISHWARYA VS A.S. SARAVANA KARTHIK SHA**², held as follows:

“9. The cardinal principles 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.”

10. On considering the submissions made by the learned counsel appearing for both sides and in view of the ratio laid down by the aforesaid case laws and on considering the facts and circumstances of the present case 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

¹(2000) 10 SCC 304

² 2022 LiveLaw (SC) 627

request made by the petitioner/wife, seeking transfer of H.M.O.P.No.150 of 2024 on the file of the Additional Senior Civil Judge, Tenali, Guntur District, to the Senior Civil Judge, Nuzividu, Krishna District. Further, on considering the submissions made by the learned counsel for the respondent, it is desirable to dispense with the personal appearance of the respondent/husband herein i.e., the petitioner in H.M.O.P.No.150 of 2024 on the file of the Additional Senior Civil Judge, Tenali, Guntur District, before the transferee Court.

11. In the result, the Transfer Civil Miscellaneous Petition is **allowed** and H.M.O.P.No.150 of 2024 on the file of the Additional Senior Civil Judge, Tenali, Guntur District, is hereby withdrawn and transferred to the Senior Civil Judge, Nuzividu, Krishna District. The learned Additional Senior Civil Judge, Tenali, Guntur District, shall transmit the case record in H.M.O.P.No.150 of 2024, to the Senior Civil Judge, Nuzividu, Krishna 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. Further, the personal appearance of the respondent/husband herein i.e., the petitioner in H.M.O.P.No.150 of 2024 on the file of the Additional Senior Civil Judge, Tenali, Guntur District, has been dispensed with before the transferee Court i.e., Senior Civil Judge, Nuzividu, Krishna District. Both the parties are directed to appear before the Senior Civil Judge, Nuzividu, Krishna District, on 18.06.2025, at 10.30 a.m. Later the learned Senior Civil Judge, Nuzividu, Krishna District, is instructed not to insist for the personal appearance of the respondent herein i.e., the petitioner in H.M.O.P.No.150 of 2024, as long as his counsel is attending the Court

proceedings and representing the case except on the day when re-conciliation 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 learned Senior Civil Judge, Nuzvidu, Krishna District. 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: 21.04.2025
CVD