

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

[ 3366 ]

MONDAY, THE THIRTEENTH DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE SRI JUSTICE B SYAMSUNDER**

**TRANS. CIVIL MISC.PETITION NO: 208 OF 2023**

Petition 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 HMOP No. 15 of 2022 on the file of the Hon'ble Court of Senior Civil Judge, Proddatur to the Court of the Hon'ble Senior Civil Judge, Kadapa and pass

**IA NO: 1 OF 2023**

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 in H.M.O.P.No.15 of 2022 on the file of the Hon'ble Senior Civil Judge, Proddatur and pass

**Counsel for the Petitioner(s):SRI. CHALLA GUNARANJAN**

**Counsel for the Respondents: SODUM ANVESHA**

**The Court made the following:**

**THE HON'BLE SRI JUSTICE BANDARU SYAMSUNDER**  
**TRANSFER CIVIL MISCELLANEOUS PETITION**  
**No.208 OF 2023**

**ORDER:**

I have heard the learned counsel, Mr.Sai Phaneendra Kumar, representing on behalf of Mr.Ch.Gunaranjan, learned counsel for the petitioner as well as the learned counsel, Ms.Sahithi, representing on behalf of Ms.S.Anvesha, learned counsel for the respondent.

2. This is wife's petition filed under Section 24 of Code of Civil Procedure (in short 'CPC') seeking transfer of H.M.O.P.No.15 of 2022 from Senior Civil Judge Court, Proddatur of YSR Kadapa District to Senior Civil Judge Court, Kadapa of YSR Kadapa District, on the ground that now she is residing in her uncle's house at Kadapa city, where she filed Domestic Violence Case and lodged report against the respondent and others for dowry harassment, whereas the respondent filed H.M.O.P.No.15 of 2022 on the file of Senior Civil Judge Court, Proddatur seeking divorce with false grounds.

3. It is the contention of the petitioner that she is having threat to her life if she attends the Court at Proddatur as the respondent and his family members are threatening her to withdraw the criminal case and to give consent for dissolution of marriage. The petitioner submits that she has shown her residential address as resident of

Mydukuru Mandal, Kadapa District in Crime No.270 of 2021 and also in DVC.No.20 of 2022, wherein the Station House Officer, after due investigation, filed charge sheet before II Additional Judicial Magistrate of First-Class Court, Kadapa. In both cases, the respondent has to appear before the Courts at Kadapa to put forth his defence, if any. It is the contention of the petitioner that she has no source of income to bear travel and legal expenses, whereas the respondent is working as Software Engineer who is able to bear travel and other expenses at Kadapa. She prays to allow the petition.

4. The learned counsel for the petitioner would submit that the respondent chosen to file divorce petition only after the petitioner filed DVC.No.20 of 2022 and lodged report before the Station House Officer, Chinna Chowk Police Station, which itself shows that she is residing at Kadapa city only. He would further submit that the petitioner is apprehending threat to her life if she attends the Court at Proddatur, where the respondent and his family members are threatening her to give consent for dissolution of marriage which she has not accepted. He argued that the petitioner has no source of income to bear travel and legal expenses, whereas the respondent has to appear before the Courts at Kadapa in DVC and criminal case filed by the petitioner. He prays to allow the petition.

5. The learned counsel representing the respondent would submit that though sufficient time is granted to the petitioner, she has not filed any document to show that now she is residing in her uncle's house at Kadapa city, due to that reason only learned Principal District Judge, Kadapa, rightly dismissed her transfer application filed before the said Court, at first instance. He prays to dismiss the petition.

6. At the first instance, the petitioner filed petition before the Principal District Judge, Kadapa *vide* TOP.No.42 of 2022 which was dismissed by the learned Principal District Judge, Kadapa on 12.05.2023, by observing that the petitioner has not produced any proof of her residential address to show that she has been residing in her uncle's house at Kadapa city and she can claim legal expenses by filing necessary petition in H.M.O.P.No.15 of 2022. The fact remains that the respondent chosen to file H.M.O.P.No.15 of 2022 on 20.01.2022 only after the petitioner filed DVC.No.20 of 2022 on 27.12.2021 on the file of the Special Judicial Magistrate of First-Class Cum Special Mobile Court, Kadapa. The petitioner also lodged a report before the SHO, Chinna Chowk on 14.12.2021 and the same was registered as Crime No.270 of 2021. The SHO, after due investigation, filed charge sheet against the respondent and others before the II Additional Judicial Magistrate of First-Class Court,

Kadapa. In both cases, the respondent has to appear before the Courts at Kadapa to put forth his defence, if any.

7. A perusal of copy of charge sheet in Crime No.270 of 2021 of Chinna Chowk Police Station residential address shown in DVC.No.20 of 2022 which, *prima facie*, supports the contention of the petitioner that now she is residing in her uncle's house at Kadapa city, which was failed to consider by the learned Principal District Judge, Kadapa. In matrimonial proceedings, the convenience of wife has to be considered than the inconvenience of husband who admittedly working as a Software Engineer and getting salary.

8. It is not the contention of the respondent that the petitioner is gainfully employed and she is getting sufficient income. When two other matrimonial cases are pending between the same parties and divorce petition is pending in other Courts, it would be convenient for both the parties to transfer the case to the same place to avoid inconvenience to them. Therefore, this Court is of an opinion that there are grounds to consider the request of the petitioner to transfer H.M.O.P.No.15 of 2022 from the Senior Civil Judge Court, Proddatur to the Senior Civil Judge Court, Kadapa of YSR Kadapa District as the petitioner is now said to be residing within the jurisdiction of Municipal Corporation limits of Kadapa city.

9. In the result, this Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.15 of 2022 on the file of Senior Civil Judge Court, Proddatur of YSR Kadapa District is hereby withdrawn and transferred to Senior Civil Judge Court, Kadapa of YSR Kadapa District. The learned Senior Civil Judge, Proddatur of YSR Kadapa District shall transmit the case records in H.M.O.P.No.15 of 2022, after duly indexed to Senior Civil Judge Court, Kadapa of YSR Kadapa District, as expeditiously as possible within two weeks from the date of receipt of orders of this Court in this petition. The petitioner and respondent shall appear before the Senior Civil Judge Court, Kadapa of YSR Kadapa District, on 09.03.2024 at 10.30 a.m. The learned Senior Civil Judge, Kadapa shall not insist the physical presence of the respondent for each and every adjournment if he engages a counsel and he can insist the respondent's presence as and when required or at the time of recording his evidence before the Court. No order as to costs.

Consequently, miscellaneous petitions if any, shall stand closed.

The Interim Stay, if any, granted, shall stand vacated.

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**JUSTICE BANDARU SYAMSUNDER**

Date: 13.02.2024  
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**THE HON'BLE SRI JUSTICE BANDARU SYAMSUNDER**

**TRANSFER CIVIL MISCELLANIOUS PETITION**  
**No.208 OF 2023**

**Date: 13.02.2024**

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