



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

**[3397]**

TUESDAY ,THE TWENTY NINETH DAY OF OCTOBER  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

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

**TRANS. CIVIL MISC.PETITION NO: 277/2024**

**Between:**

Guduru @ Guduri @ Kuchipudi Bhagyalakshmi @ Chinnari ...**PETITIONER**  
Chinni

**AND**

Guduru Guduri Ashok Kumar ...**RESPONDENT**

**Counsel for the Petitioner:**

1.B.SUDHAKAR KUMAR

**Counsel for the Respondent:**

1.BALA DASTAGIRI P

**The Court made the following:**

**ORDER:**

The petitioner/wife filed the present petition under Section 24 of the Code of Civil Procedure, 1908, seeking to withdraw O.P.No.59 of 2023 on the file of the VII Additional District Judge, Peddapuram, East Godavari and transfer the same to the District Judge Court, Guntur, Guntur District.

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 was performed at Guntur District on 29.12.2008. In view of the matrimonial disputes between both the parties, the petitioner/wife is staying at her parents' house at Guntur. The petitioner pleaded that she had lodged a complaint before the Disha Urban Police Station, Guntur under section 498-A, 506, 509 IPC and the same was numbered as C.C.No.1259 of 2023 on the file of the V Additional Judicial Magistrate of First Class at Guntur and the same is pending for adjudication. The petitioner pleaded that to cause inconvenience to her, the respondent/husband had filed O.P.No.59 of 2023 on the file of the VII Additional District Judge, Peddapuram, East Godavari, under Section 32 of the Indian Divorce Act, 1872 seeking restitution of conjugal rights.
- II. Learned counsel for the petitioner further contended that the petitioner being a woman, depending upon her parents, it is very difficult for her to travel at a distance of approximately 250Kms from Guntur to

Peddapuram without any male support and that she was constrained to file the present petition against the respondent/husband seeking to withdraw O.P.No.59 of 2023 on the file of the VII Additional District Judge, Peddapuram, East Godavari and transfer the same to the District Judge Court, Guntur, Guntur District.

3. Heard Sri B.Sudhakar Kumar, learned counsel for the petitioner and Sri Bala Dastagiri.P, learned counsel for the respondent and perused the material available on record.

4. The respondent/husband has filed a counter affidavit and Sri Bala Dastagiri.P, learned counsel for the respondent has represented that there are no bonafides on the part of the petitioner/wife to file the present Transfer Petition seeking to transfer O.P.No.59 of 2023 on the file of the VII Additional District Judge, Peddapuram, East Godavari to the District Judge Court, Guntur, Guntur District.

5. Learned counsel for the petitioner contends that the respondent/husband herein is a practicing Advocate at Guntur and *per contra* the learned counsel for the respondent has contended that the respondent herein is a practicing advocate at Rajahmundry and admitted that the respondent/husband is an advocate.

6. The Apex Court in a case of **N.C.V. Aishwarya Vs A.S.Saravana Karthik Sha**<sup>1</sup> held as follows:

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<sup>1</sup> 2022 LiveLaw (SC) 627

*“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 withdraw O.P.No.59 of 2023 on the file of the VII Additional District Judge, Peddapuram, East Godavari and transfer the same to the District Judge Court, Guntur, Guntur District. Further, the personal attendance of the respondent herein i.e. the petitioner in O.P.No.59 of 2023 on the file of the VII Additional District Judge, Peddapuram, East Godavari, has been dispensed with before the transferee Court i.e., the District Court, Guntur, except on the days when his presence is required as per law.

8. In the result, the present petition is allowed and O.P.No.59 of 2023 on the file of the VII Additional District Judge, Peddapuram, East Godavari, is

hereby withdrawn and transferred to the District Court, Guntur. The VII Additional District Judge, Peddapuram, East Godavari, shall transmit the case record in O.P.No.59 of 2023 to the Family Court, Guntur, 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 attendance of the respondent herein i.e. the petitioner in O.P.No.59 of 2023 on the file of the VII Additional District Judge, Peddapuram, East Godavari, has been dispensed with before the transferee Court i.e., the District Court, Guntur, except on the days when his presence is required as per law. Both the parties are directed to appear before the District Court, Guntur on 20.12.2024, at 10.30 a.m. 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.

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**JUSTICE V.GOPALA KRISHNA RAO**

Date: 29.10.2024

SRT