

**THE HON'BLE SRI JUSTICE BANDARU SYAMSUNDER**  
**TRANSFER CIVIL MISCELLANEOUS PETITION**  
**NO. 177 OF 2022**

**ORDER:**

I have heard Mr. Ramineni Sudheer, learned counsel representing on behalf of Mr.T.D Pani Kumar, learned counsel for the petitioner. None appeared for the respondent though notice sent to the respondent through RPAD by the Registry, returned with an endorsement "addressee refused". Hence, it is deemed that notice served to the respondent.

2. This is wife's petition under Section 24 of Code of Civil Procedure (in short C.P.C), seeking transfer of H.M.O.P No.27 of 2022 on the file of Senior Civil Judge Court, Kadiri, Anantapur District to Family Court, Kadapa, YSR Kadapa District, on the ground that petitioner is residing in her parents' house Narasaramaiahgari Palli Village, Chintakommadinne Mangal, YSR Kadapa District along with her minor child who born on 13.05.2021, where she already lodged a report against the husband for the offences punishable under Sections 498-A, 343 R/w 34 IPC and Sections 3 and 4 of Dowry Prohibition Act *vide* CC No.565 of 2022 on the file of Judicial Magistrate of First Class-cum-Special Court for Excise Offences, Kadapa, wherein the respondent is appearing. The petitioner submits that the respondent is having

knowledge about filing of criminal case against him, filed H.M.O.P No.27 of 2022 under Section 13 (1) (ia) of Hindu Marriage Act, seeking divorce with false grounds. It is also the contention of the petitioner that distance between Kadapa to Kadiri is about 150 kms, it is difficult for her to travel to Kadiri town along with minor child to putforth her defence in a divorce petition filed by her husband with false grounds. She prays to allow the petition.

3. Admittedly, marriage between petitioner with respondent was solemnized on 14.08.2020 and she also blessed with male child on 13.05.2021.

4. A perusal of copy of H.M.O.P No.27 of 2022 which *prima-facie* shows that male child born to the petitioner on 13.05.2021, now petitioner is residing in her parents' house along with minor child, but the respondent chosen to file divorce petition on 07.03.2022. A copy of FIR registered by the petitioner before SHO, C.K. Dinne Police Station, YSR Kadapa District also shows that she lodged a report on 07.02.2022 which is one month prior to the filing of divorce petition by the husband. It is consistent view of Hon'ble Apex Court that in matrimonial proceedings the convenience of the wife has to be considered rather than the inconvenience of the husband when admittedly, petitioner/wife is having a child aged 2 ½ years. There are grounds to consider the request of the petitioner

to transfer H.M.O.P No.27 of 2022 on the file of Senior Civil Judge Court, Kadiri, Anantapur District to Principal Senior Civil Judge Court, Kadapa, as the petitioner is residing in a Village at YSR Kadapa District but not within the Municipal Corporation limits of Kadapa City.

5. In the result, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P No.27 of 2022 on the file of Senior Civil Judge Court, Kadiri, Anantapur District is hereby withdrawn and transferred to Principal Senior Civil Judge Court, Kadapa. The learned Senior Civil Judge, Kadiri, shall transmit the case records in H.M.O.P No.27 of 2022 to Principal Senior Civil Judge Court, Kadapa, duly indexed, as expeditiously as possible, within a period of two (2) weeks from the date of receipt of order of this Court in the present petition.

6. Both parties shall appear before Principal Senior Civil Judge Court, Kadapa on 29.11.2023 at 10.30 am. No order as to costs.

Consequently, miscellaneous petitions, if any, shall stand closed. The interim stay granted if any, shall stand vacated.

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**JUSTICE BANDARU SYAMSUNDER**

Date: 06.11.2023  
RSD

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