



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 3RD DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

CIVIL PETITION NO.100004 OF 2025

BETWEEN:

SMT. MEENAKSHI W/O. SAHADEV MANG,
BEFORE MARRIAGE MEENAKSHI
D/O. SIDDAPPA RAMDATT,
AGE: 36 YEARS, OCC. HOUSEHOLD,
R/O. KULKARNI HAKKAL, GOODSHED ROAD,
HUBBALLI, TQ. HUBBALLI, DIST. DHARWAD-580020.

...PETITIONER

(BY SRI. ANJANEYA M, ADVOCATE)

AND:

SRI. SAHADEV S/O. SHIVAPPA MANG,
AGE: 41 YEARS, OCC. COOLIE,
R/O. WARD NO. 5,
HIREKERI GALLI, MUDHOL,
DIST. BAGALKOTE-587313.

...RESPONDENT

(RESPONDENT-HELD SUFFICIENT)

THIS CIVIL PETITION IS FILED U/SEC.24 OF CPC, PRAYING TO
WITHDRAW THE M.C.NO.35/2024 PENDING BEFORE THE PRINCIPAL
SENIOR CIVIL JUDGE AND JMFC, MUDHOL, BAGALKOTE AND
TRANSFER TO THE PRINCIPAL JUDGE, FAMILY COURT, HUBBALLI, IN
THE INTEREST OF JUSTICE AND EQUITY AND ETC.

THIS PETITION, COMING ON FOR ADMISSION THIS DAY, ORDER
WAS MADE THEREIN AS UNDER:



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE C M JOSHI)

Heard learned counsel appearing for the petitioner.

2. Despite service of notice, respondent has remained absent.

3. The petitioner is the wife of the respondent. The petitioner contends that the respondent has filed M.C.No.35/2024 seeking restitution of conjugal rights before the Senior Civil Judge, Mudhol, District Bagalkot. It is submitted that the petitioner is a resident of Hubballi and she had filed Crl.Misc.No.415/2022 under Section 125 of Code of Civil Procedure, which was disposed of by order dated 01.04.2023, granting a maintenance of Rs.8,000/- to the petitioner and Rs.3,000/- to the daughter of the petitioner. It is contended that it would be difficult for her to attend the Court at Mudhol, since she is residing with her parents at Hubballi. In this regard, learned counsel appearing for the petitioner submits that the



M.C.No.35/2024 be transferred from the Court of the Senior Civil Judge, Mudhol to Family Court at Hubballi.

4. The grievance of the petitioner is that she is a lone lady living with her daughter at her parents' house. She finds difficulty in attending the Court at Mudhol, which is about 160 kilometres from Hubballi.

5. This Court in the case of **Smt. M. V. Rekha V/s. Sri Sathya @ Suraj**¹ at Paragraph No.15 has held as hereunder:

"The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that ends of justice 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 either of the parties, the social strata of the spouses and behavioural pattern, their standard of life antecedent to marriage and

¹ ILR 2010 KAR 5407



subsequent thereon and the circumstances of either of the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Generally, it is the wife's convenience which must be looked at while considering transfer. Further, when two proceedings in different Courts which raise common question of fact and law and when the decisions are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions (See Smt.NandaKishori v. S.B.Shiua Prakash AIR 1993 Kar 87, Sumita Singh v. Kumar Sanjay and Anr. AIR 2002 SC 396 and Smt.Swarna Gouri v. Sri Vinayak Pujar ILR 2007 Kar 4561)."

(emphasis supplied)

6. In view of the above observations made by this Court, the present petition deserves to be allowed. Hence, the following:



ORDER

- i. The petition is ***allowed***.
- ii. The M.C.No.35/2024 pending before the Senior Civil Judge and JMFC, Mudhol is hereby withdrawn and transferred to the Principal Judge, Family Court, Hubballi for disposal in accordance with law.
- iii. The transferor Court may fix the date of appearance before the transferee Court at the convenience of the parties.

SD/-
(C M JOSHI)
JUDGE