



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 16TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

CIVIL PETITION NO.100056 OF 2025

BETWEEN:

SMT. SHRUTI HOSALLI W/O. KANTHARAJ T,
SHRUTI D/O. BARAMAPPA HOSALLI,
AGE: 32 YEARS, OCC. PRIVATE SCHOOL TEACHER,
R/O. BASAVANAL, TQ. SHIGGAON,
DIST. HAVERI, PIN 581118.

...PETITIONER

(BY SRI. M.A. MAKANDAR, ADVOCATE)

AND:

SHRI KANTHARAJ T S/O. BASAVARAJAPPA T,
AGE: 37 YEARS, OCC. PROFESSOR,
R/O. #1544/100 HALAPPA LAYOUT,
NEAR NEW KHB COLONY, HARAPANAHALLI,
DIST. VIJAYANAGAR.

...RESPONDENT

(BY MISS RENUKA YALAMELI, ADVOCATE FOR
SRI. GURUDEV GACHCHINAMATH, ADVOCATE)

THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF CPC,
PRAYING TO PASS ORDER TRANSFERRING M.C.NO.39/2024 PENDING
ON THE FILE OF HON'BLE SENIOR CIVIL JUDGE AND JMFC
HARAPANAHALLI TO THE HON'BLE SENIOR CIVIL JUDGE AND JMFC
SHIGGAON, IN THE INTEREST OF JUSTICE AND EQUITY.

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 the learned counsel appearing for the petitioner.

2. The petitioner is the wife of the respondent. The counsel appearing for the petitioner submits that the petitioner married the respondent on 04.05.2022 and after marriage there were some differences between the petitioner and the respondent. The respondent has filed M.C.No.39/2024 for divorce before the Senior Civil Judge and JMFC, Harapanahalli. It is submitted that the petitioner has also filed a divorce petition in M.C.No.102/2024 before the Senior Civil Judge and JMFC, Shiggaon. Therefore, the learned counsel for the petitioner submits that the M.C.No.39/2024 be transferred to the Senior Civil Judge and JMFC, Shiggaon, so that both the cases be dealt by one and the same court to avoid the conflict of the decisions. In addition, it is submitted that the petitioner is a resident of Shiggaon and therefore, it would be difficult for her to attend the Court at Harapanahalli.



3. The learned counsel appearing for the respondent submits that she has no objection for the said transfer.

4. In view of the above and also in view of the judgment of this Court in the case of **Smt. M. V. Rekha v. Sri Sathya @ Suraj**¹ the law liens in favour of the wife. This Court in the said judgment at paragraph 15 held as under:

"15. 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 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

¹ ILR 2010 KAR 5507



same issues and conflict of decisions (See Smt. Nanda Kishori v. S.B. Shivaprakash [AIR 1993 Kar 87.], Sumita Singh v. Kumar Sanjay [(2001) 10 SCC 41 : AIR 2002 SC 396.], and Smt. Swarna Gouri v. Sri Vinayak Pujar [ILR 2007 Kar 4561.])."

5. In view of the above, the Courts have to prefer a place where the wife is residing. Hence, the following:

ORDER

- (i) The petition is **allowed**.
- (ii) The M.C.No.39/2024 pending on the file of the Senior Civil Judge and JMFC, Harapanahalli is hereby withdrawn and transferred to the Senior Civil Judge and JMFC, Shiggaon, where M.C.No.102/2024 filed by the petitioner is pending for disposal in accordance with law.
- (iii) The transferor court is at liberty to fix the date of appearance of the parties before the transferee Court.
- (iv) Intimate both the Courts accordingly.

**SD/-
(C M JOSHI)
JUDGE**