



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 17TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

CIVIL PETITION NO.100072 OF 2025

BETWEEN:

SMT. PAVITHRA DHAREPPA DALAWAI
W/O. DHAREPPA SIDDAPPA DALAWAI,
AGED ABOUT 25 YERAS, OCC. TAILORING,
NOW R/AT. NO. 3/1, SRINIVAS NILAYA,
GOVT. SCHOOL ROAD,
BEHIND HEBBALA POLICE STATION,
HEBBALLA, BENGALURU-560024.

...PETITIONER

(BY SRI. KULKARNI SHRINATH GURURAJ, ADVOCATE)

AND:

SRI. DHAREPPA SIDDAPPA DALAWAI
S/O. SIDDAPPA DALAWAI,
AGED ABOUT 34 YEARS,
WORKING AT TEACHER,
NOW AT MAYAATTI VILLAGE,
ATHANI TALUK, BELAGAVI,
R/O. KANNALA, TQ. ATHANI,
DIST. BELAGAVI-591305.

...RESPONDENT

(BY SRI. RAHUL S. KUNTOJI, ADVOCATE)

THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF THE CPC, 1908, PRAYING TO ALLOW THIS PETITION AND TRANSFER THE CASE IN MC.NO.79/2024 ON THE FILE PRL. SENIOR CIVIL JUDGE, ATHANI, BELAGAVI DISTRICT TO THE FAMILY COURT, AT BENGALURU 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 the learned counsel for the petitioner and the respondent.

2. The petitioner is the wife of the respondent. Petitioner states that the marriage of the petitioner and the respondent had taken place on 16.05.2023 at Honawad Village, Tikota Taluk, Vijayapura District. Thereafter, there were differences between the petitioner and the respondent and hence, the petitioner has filed petition under the provisions of the Protection of Women from Domestic Violence Act, 2005 (for short 'D.V.Act') before a Criminal Court at Bengaluru in Crl.Misc.No.5/2025. It is further submitted that the respondent has filed M.C.No.79/2024 before Senior Civil Judge, Athani seeking divorce. The petitioner contends that she is financially weak and now she is staying at Bengaluru with her cousin as per the address shown in the cause title. It is contended that since the respondent has failed to look after the petitioner, she is in search of a job and as such now she is staying at Bengaluru. It is contended that traveling from Athani to Bengaluru would be



difficult for her, she being a lone lady. It is contented that she also has filed a petition under the provisions of the D.V. Act at Bengaluru and as such, the present petition be allowed transferring the M.C.No.79/2024 to the Family Court at Bengaluru.

3. The counsel appearing for respondent submits that the petitioner has not shown in her petition as to why she has shifted herself to Bengaluru. He also contends that a criminal complaint was filed by the petitioner against the respondent for the offence punishable under Section 498-A of the IPC at Athani. Therefore, he contends that the claim of the petitioner that she has shifted to Bengaluru is only to harass the respondent.

4. When the petitioner contends that she has already filed a petition under the provisions of the D.V. Act at a Court in Bengaluru and she has gone to Bengaluru in search of a job and is now in a temporary accommodation with her cousin, it is evident that the petitioner has chosen to shift to Bengaluru for earning her livelihood. It is not the case of the respondent that the petitioner is working anywhere or that he is paying any maintenance to the petitioner. Obviously the said argument is



countered by the learned counsel appearing for the petitioner contending that though the Court on hearing the matter under the D.V Act had ordered an interim maintenance, the respondent has not paid the same in entirety. The law liens in favour of the wife in view of the observations of this court in the case of **Smt. M. V. Rekha v. Sri Sathya @ Suraj**¹ at paragraph 15, which reads 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

¹ ILR 2010 KAR 5507



same Judge so as to avoid multiplicity in trial of the 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. Even the facts in the said case were also similar to some extent to the case on hand. Hence, this Court finds that it would be proper to transfer M.C.No.79/2024 to the Family Court, Bengaluru as prayed by the petitioner. Hence the following:

ORDER

- (i) The petition is allowed.
- (ii) The M.C.No.79/2024 pending before the Senior Civil Judge, Athani is hereby withdrawn and transferred to the Principal Judge, Family Court, Bengaluru for disposal in accordance with law.
- (iii) The learned Principal Judge, Family Court, Bengaluru is at liberty to allocate



the matter to any of the Additional
Courts in his establishment.

- (iv) Intimate both the Courts regarding the same.
- (v) In view of disposal of the petition, pending interlocutory applications, if any, do not survive for consideration and are disposed of accordingly.

SD/-
(C M JOSHI)
JUDGE

YAN
CT:PA
LIST NO.: 1 SL NO.: 30