



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 17TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

CIVIL PETITION NO.100127 OF 2025

BETWEEN:

SMT. SANGEETA W/O. SANJEEV SAVANT,
AGE: 42 YEARS,
OCC. HOUSEHOLD WORK,
R/O. R. M. LOHIYA NAGAR, GOKUL ROAD,
HUBBALLI-580030,
DIST. DHARWAD, KARNATAKA.

...PETITIONER

(BY SMT. SHASHIKALA HOSAMATH, ADVOCATE)

AND:

SHRI SANJEEV S/O. KRISHNAJI SAVANT,
AGE: 55 YEARS, OCC. LAB TECHNICIAN,
R/O. H.NO.227, 10TH CROSS, A-BLOCK,
BASAVESHWAR NAGAR, HAVERI,
DIST. HAVERI-581110.

...RESPONDENT

(RESPONDENT-NOTICE SERVED)

THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF CPC, 1908, PRAYING TO TRANSFER OF M.C.NO.66/2025 TITLED "SHRI SANJEEV S/O. KRISHNAJI VASANT V/S. SMT. SANGEETA W/O SANJEEV SAVANT" PENDING ON THE FILE OF PRINCIPAL JUDGE, FAMILY COURT, HAVERI TO PRINCIPAL FAMILY COURT HUBBALLI, IN THE INTEREST OF JUSTICE AND EQUITY AND GOOD CONSCIENCE.

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 respondent. The petitioner has filed a petition seeking transfer of the M.C.No.66/2025 pending before the learned Principle Judge, Family Court, Haveri to the learned Principal Judge, Family Court, Hubballi for disposal in accordance with law.

3. The petitioner states that her marriage with the respondent was solemnized on 14.12.2016 at Haveri and thereafter, the petitioner went to the matrimonial home. There were some differences between the petitioner and the respondent and therefore, she returned back to her parent's house at Hubballi. Now the respondent has filed M.C.No.66/2025 before the learned Principal Judge, Family Court, Haveri seeking a divorce. It is also stated that the petitioner had filed criminal miscellaneous petition seeking maintenance and a divorce petition before the learned Principal Judge, Family Court at Hubballi and they have been dismissed. It is contended that since she is not having any income and has lost her father, she is



unable to visit Haveri for the conduct of the case. Therefore, it is submitted by the learned counsel for the petitioner that the petition be allowed.

4. This Court in the case of **Smt. M. V. Rekha vs. Sri Sathya @ Suraj**¹ at paragraph No.15 has held as below:

"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

¹ ILR 2010 KAR 5407



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)

5. The records reveal that in the petition filed by the respondent in M.C.No.66/2025, the dismissal of the M.C.No.299/2018 by the learned Principle Family Court, Hubballi has been narrated. It is evident that the petitioner is the resident of Hubballi and in view of the judgment of this Court as above (supra), the petition deserves to be allowed and hence, the following:

ORDER

- i) The petition is **allowed**.
- ii) The M.C.No.66/2025 pending on the file of the learned Principal Judge, Family Court, Haveri is hereby withdrawn and transferred to the learned Principal Judge, Family Court at Hubballi for disposal in accordance with law.



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- iii) The transferor Court is at liberty to fix a date for the appearance of both parties before the transferee Court.
- iv) Intimate both the courts accordingly.

SD/-
(C M JOSHI)
JUDGE

SSP
CT:PA
LIST NO.: 1 SL NO.: 17