



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 9TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

CIVIL PETITION NO. 100139 OF 2025

BETWEEN:

SMT. VIJAYLAXMI
W/O. MANOOJKUMAR SHETTER,
AGED ABOUT 41 YEARS, OCC. HOUSEHOLD,
R/O. BANNIKOPPA VILLAGE, TQ. SHIRAHATTI,
DIST. GADAG-112.

...PETITIONER

(BY SRI. NARASAGOND BAHUBALI DHAREPPA, ADVOCATE AND
SRI. M.B. MADANALLI, ADVOCATE)

AND:

SRI. MANOOJAKUMAR S/O. BASAVARAJ SHETTER,
AGED ABOUT 42 YEARS,
OCC. REAL ESTATE BUSINESS,
R/O. NO. 107, SANAMATHI NAGAR,
4TH CROSS, KELAGERI ROAD,
DASANKOOPA CIRCLE, DHARWAD-01.

...RESPONDENT

(RESPONDENT NOTICE SERVED)

CIVIL PETITION FILED U/SEC.24 OF CPC, PRAYING TO
TRANSFER THE CASE BEARING NO.MC NO.314/2024 WHICH IS
PENDING BEFORE THE COURT OF FAMILY COURT DHARWAD AT
DHARWAD TO SENIOR CIVIL JUDGE AND JMFC AT LAXMESHWAR FOR
EFFECTIVE ADJUDICATION IN ACCORDANCE WITH LAW, IN THE ENDS
OF JUSTICE.

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

YASHAVANT
NARAYANKAR

Digitally signed by
YASHAVANT
NARAYANKAR
Date: 2025.12.11
10:27:09 +0530



ORAL ORDER

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

Heard learned counsel appearing for the petitioner.

2. The petitioner is the wife and respondent is her husband. The petitioner contends that the respondent has filed a petition in M.C.No.314/2024 before the Family Court, Dharwad seeking divorce. The petitioner has filed Criminal Miscellaneous No.26/2025 at Civil Judge and JMFC Court, Laxmeshwar sitting at Shirahatti seeking maintenance under Section 144 of the Bharatiya Nagarik Suraksha Sanhita (for short, 'BNSS').

3. Now the petitioner is seeking transfer of M.C.No.314/2024 from the Family Court, Dharwad to Senior Civil Judge and JMFC at Laxmeshwar, since it is very difficult for her to attend the Court at Dharwad.

4. It is submitted that the petitioner was married to the respondent on 08.12.2019 and they have begotten a child, which is now aged 4 years. It is submitted that it is very difficult for the petitioner to attend the Court at Dharwad since she had to



change buses at Laxmeshwar and Hubli. Hence, prayed to allow the petition.

5. Despite service of notice, the respondent has not appeared before this Court. On careful perusal of the records, it is evident that the respondent has filed M.C.No.314/2024 before the Family Court, Dharwad seeking divorce and obviously the petitioner being resident of Bannikoppa in Shirahatti Taluk, it would be difficult for her to attend the Court at Dharwad.

6. Having regard to the judgment of this Court in the case of 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

¹ ILR 2010 KAR 5507



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 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.])."

(emphasis supplied)

7. In view of the above legal position, the place of residence of the wife would be preferable one, unless other circumstances are pointed out and therefore, the petition deserves to be allowed. Hence, the following:

ORDER

(i) The petition is **allowed**.



- (ii) *The M.C.No.314/2024 pending before the Family Court, Dharwad is hereby withdrawn and transferred to the Court of Principal Senior Civil Judge at Laxmeshwar for disposal in accordance with law.*
- (iii) *The transferor Court is at liberty to fix a date of appearance of the parties before the transferee Court.*
- (iv) *Intimate both the Courts accordingly.*

SD/-
(C M JOSHI)
JUDGE

RKM- PARA 1 TO 3,
YAN – PARA 4 TO END.
CT:PA
LIST NO.: 1 SL NO.: 31