



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 10TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

CIVIL PETITION NO.100141 OF 2025

BETWEEN:

SMT. SHILPA
W/O. SHARANABASIAH HIREMATH,
D/O. H.M. SANGAPPA, AGE: 37 YEARS,
OCC. HOUSEHOLD, R/AT. PLOT NO.71,
M.P. PRAKASH NAGAR,
NEAR GANESH TEMPLE,
HOSAPETE-583201.

...PETITIONER

(BY SRI. R.M. JAVED, ADVOCATE)

AND:

SHARANABASIAH HIREMATH
S/O. M.CHANNAVERRAIAH,
AGE: 38 YEARS, OCC. N/A,
R/AT. YETTINA BUDIHAL VILLAGE,
BALLARI-583102.

...RESPONDENT

(BY SRI. AKASH AMARASHETTI, ADVOCATE FOR
SMT. SOUBHAGYA S. VAKKUND, ADVOCATE)

THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF CPC,
PRAYING TO PASS AN ORDER OF WITHDRAWAL OF MC NO. 19/2025
PENDING FILE BEFORE PRINCIPAL JUDGE, FAMILY COURT, BALLARI
TO SENIOR CIVIL JUDGE, HOSAPETE, IN THE INTEREST OF JUSTICE
AND ETC.

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
10:27:10 +0530



ORAL ORDER

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

Heard the learned counsels appearing for the petitioner and the respondent.

2. The respondent is the husband of the petitioner. The petitioner has sought transfer of M.C.No.19/2025 pending before the Principal Judge, Family Court, Ballari to the Court of the learned Senior Civil Judge, Hospete.

3. It is a case of the petitioner that she married the respondent on 18.06.2017 at Hospete and she being MBA graduate in healthcare sector and she resided in the matrimonial home for sometime at Bengaluru. Thereafter the petitioner was appointed on contractual basis with Health Department. Thereafter, the petitioner gave birth to a child in the year 2018. Meanwhile there were differences between the petitioner and the respondent and the respondent filed suit for restitution of conjugal rights under Section 9 of the Hindu Marriage Act before Family Court, Ballari. The said petition came to be allowed and the petitioner went to the house of the respondent. Since the



respondent insisted that the petitioner should leave her job, there were again differences and the petitioner returned back to the parental home. It is contended that the petitioner is now looking after the 7-year-old child and therefore, it would be difficult for her to attend the Court at Ballari. It is submitted that the distance between Hospete and Ballari is about 75 kilometres and therefore, it causes inconvenience to her to travel for conducting her case. It is submitted that now the petitioner is not working and she and her son are solely depending upon her parents. The learned counsel for the petitioner reiterates the above contentions taken up in the petition.

4. *Per contra*, learned counsel appearing for the respondent would submit that the petitioner had earlier attended the Court at Ballari while she conducted the case involving restitution of the conjugal rights. He submits that no other petition has been filed by the petitioner at Hospete and therefore, there is no justification for seeking transfer of the divorce petition to the Court at Ballari.

5. It is pertinent to note that the petitioner is living with her 7-year-old child in her parental house. It is submitted that the petitioner has no income since she had to leave the job as it



was contractual. The petitioner visiting the Court at Ballari would definitely cause inconvenience to her, as she is also looking after the 7-year-old child. Under these circumstances, the observations made by this Court in the case of **Smt. M. V. Rekha vs. Sri Sathya @ Suraj**¹ at paragraph No.15 would be relevant and it reads 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 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

¹ ILR 2010 KAR 5407



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.Shiva 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, the petitioner is justified in seeking the transfer of the divorce petition to a Court at Hospete. Hence, the following:

ORDER

- i) The petition is **allowed**.
- ii) The M.C.No.19/2025 pending before the learned Principal Judge, Family Court, Ballari is hereby withdrawn and transferred to the learned Senior Civil Judge, Hospete for disposal in accordance with law.



NC: 2025:KHC-D:17845
CP No. 100141 of 2025

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

SD/-
(C M JOSHI)
JUDGE

SSP
CT:PA
List No.: 1 SI No.: 38