



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 18TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

CIVIL PETITION NO.100170 OF 2025

BETWEEN:

SMT. SHAILA W/O. REVANSIDDAPPA
@ REVANAPPA SHIVASHIMPI,
AGE: 55 YEARS, OCC. HOUSE WORK,
HANDRAL PALLED CHAL,
MUCHAKHANDI CROSS,
POST: BAGALKOTE-587101.

...PETITIONER

(BY SRI. PATIL APPASAHEB RAMAGOUDA, ADVOCATE)

AND:

SHRI REVANASIDDAPPA @ REVANAPPA
S/O. VEERAPPA SHIVASHIMPI,
AGE: 67 YEARS, OCC. COOLIE,
NEAR SHANKARALING TEMPLE,
MANGALAWAR PETH, POST: BANAHATTI,
TQ. RABKAVI-BANAHATTI,
DIST. BAGALKOTE-587311.

...RESPONDENT

(RESPONDENT-NOTICE SERVED)

THIS CIVIL PETITION IS FILED U/SEC.24 OF CPC, PRAYING TO ALLOW THIS PETITION AND TO TRANSFER THE M.C. NO.25/2024 PENDING ON THE FILE OF SENIOR CIVIL JUDGE, BANAHATTI TO FAMILY COURT, BAGALKOTE FOR DISPOSAL IN ACCORDANCE WITH LAW 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 learned counsel appearing for the petitioner.

2. Despite service of notice, none appeared for the respondent.

3. Petitioner is the wife of the respondent. The learned counsel appearing for the petitioner submits that the marriage of the petitioner and respondent was solemnized on 07.02.1998 at Bagalkot. After marriage, the petitioner joined the matrimonial home at Banahatti and during the marital life, she gave birth to two children, who are twins. It is submitted that one of child i.e., the son is differently abled person and he is living with the petitioner. It is contended that the respondent did not receive the petitioner since, one of the child is physically handicapped and for last 23 years, the petitioner is continuously residing at Bagalkot with her children in the parental home.

4. It is contended that the daughter of the petitioner is studying and now, the respondent has filed M.C.No.25/2024 before Senior Civil Judge, Banahatti seeking dissolution of the



marriage on the grounds of desertion. The petitioner is unable to visit Banahatti since, she has to look after the physically handicapped son and has to cater to the needs of the daughter who is studying Computer Science degree and is employed.

5. This Court in the case **Smt. M. V. Rekha v. Sri Sathya @ Suraj¹** at Paragraph No.15 has held as 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

¹ ILR 2010 KAR 5407



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.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. The circumstances which are placed before this Court as above show that the petition deserves to be allowed. Hence, the following:

ORDER

- i. The petition is **allowed**.
- ii. The M.C.No.25/2024 pending before the Senior Civil Judge, Banahatti is hereby withdrawn and transferred to the Principal Judge, Family Court at Bagalkot for disposal in accordance with law.
- iii. The transferor Court may fix the date of appearance of the parties before the



transferee Court at the convenience of the parties.

iv. Intimate both the Courts accordingly.

SD/-
(C M JOSHI)
JUDGE

RKM
CT:PA
List No.: 1 Sl No.: 38