



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.100175 OF 2025

BETWEEN:

SMT. PRIYANKA W/O. PRAVEEN LAKKUNDI,
AGE: 32 YEARS, OCC. HOUSEHOLD,
C/O. LAKSHMAN PARAMESHAPPA BETAGERI,
HOSAMANI ROAD, NAIKAR CHAWL,
SAMAGAR ONI, HAVERI, DIST. HAVERI-581110.

...PETITIONER

(BY SRI. VIJAYENDRA BHIMAKKANAVAR, ADVOCATE)

AND:

PRAVEEN S/O. MANJUNATH LAKKUNDI,
AGE: 39 YEARS, OCC. PVT. SERVICE,
R/O. HOUSE NO. 181, SHAKTI NAGAR,
GOKUL ROAD, HUBBALLI,
DIST. DHARWAD-580001.

...RESPONDENT

(BY SRI. SACHIN C. ANGADI, ADVOCATE)

THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF CPC, PRAYING TO WHEREFORE, THE PETITION BEING M.C.NO 266/2025 FILED BY THE RESPONDENT/HUSBAND (PURSUANT TO ANNEXURE C AND D) PENDING BEFORE THE COURT OF PRINCIPAL JUDGE, FAMILY COURT, HUBBALLI, MAY KINDLY BE WITHDRAWN FROM ITS FILE AND THE SAME MAY BE TRANSFERRED TO THE COURT OF PRINCIPAL JUDGE, FAMILY COURT, HAVERI WHEREIN CRL. MISC NO 109/2025 (PURSUANT TO ANNEXURE-A AND B) FILED BY THE PETITIONER/WIFE IS PENDING CONSIDERATION AND SO ALSO SINCE SAID PLACE WHERE THE PETITIONER/WIFE PRESENTLY RESIDES WITHIN THE JURISDICTION OF THE SAID COURT, IN THE JUSTICE AND EQUITY AND ETC.

YASHAVANT
NARAYANKAR

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YASHAVANT
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Date: 2025.12.12
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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. None appeared for the respondent.

3. The petitioner is the wife of the respondent and she has filed this petition seeking transfer of M.C.No.266/2025 filed before the Principal Judge, Family Court, Hubballi to the Principal Judge, Family Court at Haveri, since the petitioner is staying at Haveri.

4. It is a case of the petitioner that she was married to the respondent on 23.12.2012 at Hangal Taluk and thereafter, though she made an effort to live with the respondent, there was rift between them, which has resulted in, the respondent filing M.C.No.266/2025 before the Principal Judge, Family Court, Hubballi seeking the decree of divorce.



5. It is further contended that the petitioner has filed Criminal Miscellaneous No.109/2025 seeking maintenance from the respondent before the learned Principal Judge, Family Court, Haveri.

6. The learned counsel appearing for the petitioner contends that the petitioner is residing with her parents and it would be difficult for her to attend the Court at Hubballi. It is stated that the petitioner does not have any income and she is totally dependent upon her parents.

7. The above version of learned counsel for the petitioner is not controverted by the respondents.

8. This Court in the case of **Smt. M. V. Rekha V/s. 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

¹ ILR 2010 KAR 5407



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 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)

9. Thus, it is evident that if both the petitions are decided by one and the same Court, that would be preferable and would render justice to the parties. Therefore, this Court is of the view that the petition deserves to be allowed. Hence, the following:



ORDER

- i. The petition is ***allowed.***
- ii. The M.C.No.266/2025 filed by the respondent for divorce pending before Principal Judge, Family Court, Hubballi is hereby withdrawn and transferred to the Principal Judge, Family Court, Haveri, where Crl.Misc.No.109/2025 is pending.
- 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.: 33