



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.100180 OF 2025

BETWEEN:

SMT. ASHWINI SHETTY
AGE: 30 YEARS, OCC. NIL,
D/O. BHASKAR,
R/O. NETAJI NAGAR,
IJARILAKAMAPUR, HAVERI TOWN,
DIST. HAVERI-581 110.

...PETITIONER

(BY SRI. PRASHANT S. KADADEVAR, ADVOCATE)

AND:

SHRI RAKSHITH R. SHETTY
AGE: 32 YEARS,
S/O. RAGHAVA SHETTY,
R/O. V9-5-42/96, "FORTUNA", FLAT NO.906,
9TH FLOOR, NAGORI ROAD,
KANKANADY POST, MANGALORE,
DIST. MANGALORE-575002.

...RESPONDENT

(RESPONDENT-NOTICE SERVED)

THIS CP IS FILED UNDER SECTION 24 OF CPC, 1908, PRAYING TO i) TRANSFER M.C.NO.276/2025 PENDING ON THE FILE OF FAMILY COURT, MANGALORE TO PRINCIPAL JUDGE FAMILY COURT, HAVERI, IN THE INTEREST OF JUSTICE AND EQUITY 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 learned counsel appearing for the petitioner.

2. None appeared for the respondent.

3. The petitioner is the wife of the respondent. Petitioner has filed this petition seeking for transfer of M.C.No.276/2025 pending before the Family Court, Mangaluru to Principal Judge, Family Court, Haveri.

4. The petitioner contends that the petitioner is the legally wedded wife of the respondent and the marriage was solemnized on 18.12.2022 at Sri. Mahalaxmi Temple, Uchila, Udupi district. It is contended that after the marriage, the petitioner joined the respondent to lead a marital life but there were differences among them. The respondent filed M.C.No.276/2025 seeking divorce at Family Court, Mangaluru. The petitioner alleges that there was ill-treatment by the respondent and therefore, she was forced to reside at Haveri at her parental house and she is finding it difficult to attend the Court at Mangaluru which is more than 300 kilometers. It is



contended that the parents of the petitioner are old aged and therefore, they cannot accompany her to Mangaluru. Therefore, she has sought for transfer of M.C.No.276/2025 to the Principal Judge, Family Court at Haveri.

5. The respondent has not appeared despite service of notice.

6. Having perused the records, this Court finds that the petitioner is a resident of Haveri living with her parents who are aged about 68 years. The judgment of this Court in the case of **Smt. M. V. Rekha V/s. Sri Sathya @ Suraj**¹, observes that the place of residence of the wife would be a preferable place for conducting any matrimonial cases and in paragraph No.15 it was observed as below:

"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

¹ ILR 2010 KAR 5407



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)

7. In view of the above, this Court is inclined to accept the contention of the petitioner that travelling more than 300 kilometres to Udupi to conduct a case at Udupi would be difficult for the petitioner. Nothing is brought on record to show that the petitioner is employed and she is capable of bearing the expenses of travelling more than 300 kilometres on every date of



hearing. Under these circumstances, the petition deserves to be allowed. Hence, the following:

ORDER

- i. The petition is ***allowed***.
- ii. The M.C.No.276/2025 pending before Principal Judge, Family Court, Mangaluru is hereby withdrawn and transferred to the Principal Judge, Family Court, Haveri.
- 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