



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 28TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

CIVIL PETITION NO.100186 OF 2025

BETWEEN:

SMT. KAVITA
W/O. VRUSHABHA MALAGOUDANAVAR,
AGE: 37 YEARS, OCC. HOUSEWIFE,
R/O. C/O. CHINNAPPA KURBAPPA MARENNAVAR,
AT / POST: DEVLAPUR, TAL. BAILHONGAL,
DIST. BELAGAVI.

...PETITIONER

(BY SRI. KRISHNAKUMAR JOSHI, ADVOCATE FOR
SRI. SANGRAM S. KULKARNI, ADVOCATE)

AND:

SHRI VRUSHABHA MAHAVIR MALAGOUDANAVAR
AGE: 40 YEARS, OCC. SERVICE IN ARMY,
R/O. YELIMUNNALI, TAL. HUKKERI,
DIST. BELAGAVI,
PRESENTLY RESIDING AT NO.15331350Y,
RANK HAVALDAR NAME VRASHABHA, M.M. UNIT,
15 ENGR REGT (BHATINDA CANT)
COY 434, FD COY, C/O. 56 APO, PIN-914015.

...RESPONDENT

(RESPONDENT-HELD SUFFICIENT)

CIVIL PETITION FILED U/SEC.24 OF CPC, PRAYING TO
TRANSFER THE MATRIMONIAL CASE BEARING NO.60/2025 FROM THE
COURT OF SR. CIVIL JUDGE, HUKKERI TO THE COURT OF SR. CIVIL
JUDGE AND JMFC, BAILHONGAL, IN THE INTEREST OF MEETING THE
ENDS OF JUSTICE.

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



ORAL ORDER

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

The respondent has refused to receive the notice issued by this Court as per the postal endorsement. Therefore, service of notice is held sufficient.

2. Heard the learned counsel appearing for the appellant.

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

4. The petitioner is the wife of the respondent. The petitioner states that her marriage with the respondent had solemnized on 06.06.2010 and out of such marriage, the petitioner has two children aged 12 and 14 years, who are staying with her. It is contended that due to the differences between the petitioner and the respondent, the respondent has filed M.C.No.60/2025 before the learned Senior Civil Judge, Hukkeri for dissolution of the marriage. It is stated that the petitioner has filed CrI.Misc.No.219/2025 before the learned Senior Civil Judge and J.M.F.C., Bailhongal under Section 144 of the B.N.S.S. seeking maintenance. Therefore, the petitioner



contends that the M.C.No.60/2025 pending before the learned Senior Civil Judge, Hukkeri be transferred to the learned Senior Civil Judge and J.M.F.C., Bailhongal so that both the matters are heard by one and the same Court.

5. This Court in the case **Smt. M. V. Rekha vs. 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 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.Shiua 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 same, the petition deserves to be allowed. Hence, the following:

ORDER

- i) The petition is **allowed**.
- ii) The petition in M.C.No.60/2025 pending before the learned Senior Civil Judge, Hukkeri is hereby withdrawn and transferred to the Court of the learned Senior Civil Judge and J.M.F.C. Bailhongal for disposal in accordance with law.
- iii) Intimate both the Courts accordingly.

SD/-
(C M JOSHI)
JUDGE