



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 27TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

CIVIL PETITION NO. 100208 OF 2025

BETWEEN:

SMT. SHIVALEELA W/O. RAJASHEKAR JAKATI,
AGED ABOUT 37 YEARS,
OCC. HOUSEHOLD WORK,
R/AT. C/O. MALLIKARJUN PATIL,
PLOT NO.71, SIDDARTHA NAGAR,
NAVARASAPUR, NEAR GANESH TEMPLE,
VIJAYAPUR-586101.

...PETITIONER

(BY SRI. RAM P. GHORPADE, ADVOCATE FOR
SRI. KARTHEEK S. SHIDDAPUR, ADVOCATE)

AND:

SRI. RAJASHEKHAR JAKATI S/O. SADASHIV,
AGED ABOUT 38 YEARS,
OCC. PROFESSOR, R/AT. TIGADI BAILHONGAL,
BELAGAVI DISTRICT.
PRESENTLY RESIDING AT
C/O. RUDRAMMA HIREMUTT,
BEHIND SM PATIL COLLEGE ROAD,
GHATAPRABHA, GOKAK TALUK, BELAGAVI DISTRICT.

...RESPONDENT

(RESPONDENT-NOTICE SERVED)

THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF CPC,
PRAYING TO WITHDRAW THE ENTIRE PROCEEDINGS IN MC
NO.250/2025, PENDING ON THE FILE OF HON'BLE I ADDL. PRL.
JUDGE, FAMILY COURT, BELAGAVI AND TO TRANSFER THE SAME TO
THE PRINCIPAL JUDGE, FAMILY COURT AT VIJAYAPURA AND ETC.

YASHAVANT
NARAYANKAR


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YASHAVANT
NARAYANKAR
Date: 2025.12.17
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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 the learned counsel appearing for the petitioner.

2. The respondent has remained unrepresented despite service of notice.

3. The petitioner is the wife of the respondent. It is submitted that the respondent has filed M.C.No.250/2025 before the learned I Additional Principal Judge, Family Court, Belagavi, and the petitioner is the resident of Vijayapura. Therefore, she is seeking transfer of the said case to the Principal Judge, Family Court, Vijayapura. It is submitted that the petitioner has filed a petition under Section 144 of B.N.S.S. before the learned Principal Judge, Family Court, Vijayapura in Crl.Misc.No.409/2025

4. This Court in the case ***Smt. M. V. Rekha v. Sri Sathya @ Suraj***¹ at Paragraph No.15 has held as hereunder:

¹ ILR 2010 KAR 5407



"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 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)



5. Therefore, the petition deserves to be allowed so that the matter is taken up by one and the same Court in the interest of justice and equity. Hence, the following:

ORDER

- i) The petition is **allowed**.
- ii) The petition in ***M.C.No.250/2025** pending on the file of the learned I Additional Principal Judge, Family Court, Belagavi is hereby withdrawn and transferred to the learned Principal Judge, Family Court, Vijayapura, where CrI.Misc.No.409/2025 is pending for disposal in accordance with law.
- iii) Intimate both the Courts accordingly.

**SD/-
(C M JOSHI)
JUDGE**

SSP
CT:PA
LIST NO.: 1 SL NO.: 30

*Corrected Vide Chamber Order dated 17.12.2025

SD/-
[CMJJ]