



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 11TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

CIVIL PETITION NO.100202 OF 2025

BETWEEN:

MRS. MAMATA W/O. NIPULKUMAR
AGED ABOUT 35 YEARS,
OCC. HOUSEHOLD,
R/O. #104, 3RD FLOOR,
LAKE VIEW APARTMENT,
VALKESHWAR SOCIETY,
BEHIND MAHAVEER COLONY, GADAG-582101,
TALUK / DISTRICT: GADAG.

...PETITIONER

(BY SRI. GIRISH S. HIEMATH, ADVOCATE)

AND:

MR. NIPULKUMAR S/O. ASHOK KUMAR D,
AGED ABOUT 35 YEARS,
OCC. BUSINESS,
R/O. DOOR NO.21, CLM STREET,
1ST FLOOR, BALA VENKATESHA SWAMY STREET,
BALLARI-583101.

...RESPONDENT

(BY SRI. M. AMAREGOUDA, ADVOCATE)

THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF CPC,
PRAYING TO WITHDRAW M.C.NO 235/2025 PENDING BEFORE THE
PRINCIPAL FAMILY COURT AT BALLARI AND TRANSFER THE SAME TO
THE I ADDITIONAL PRINCIPAL FAMILY COURT AT GADAG, BY
ALLOWING THIS PETITION, IN THE INTEREST OF JUSTICE AND
EQUITY.

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

YASHAVANT
NARAYANKAR

Digitally signed by
YASHAVANT
NARAYANKAR
Date: 2025.12.12
11:50:38 +0530



ORAL ORDER

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

Learned counsel Sri.M. Amaregouda has filed vakalath for the respondent.

2. Heard learned counsel appearing for the petitioner and respondent.

3. The respondent is the husband of the petitioner. Learned counsel appearing for the petitioner submits that the petitioner is married to the respondent and the marriage was solemnized on 21.11.2021 at Hospet. Thereafter, the petitioner went to the matrimonial house and after sometime, she has begotten a child from the marital life. Thereafter, there were some differences between the husband and wife and therefore, the petitioner had filed Criminal Miscellaneous No.92/2025 seeking maintenance in the Court of the I Additional Principal Judge, Family Court, Gadag. The petitioner started staying at Gadag along with the child in her parental house. It is contended that there was cruelty meted out against her and therefore, she was forced to stay in her parental house. It is contended that the



respondent has filed M.C.No.235/2025 on the file of the Principal Judge, Family Court at Ballari. During pendency, the respondent has also instituted G and WC No.2/2025 before the I Additional Principal Judge, Family Court, Gadag seeking custody of the child. It is submitted that the petitioner has to attend the Court at Ballari along with the child whenever the matter is heard. Travelling from Gadag to Ballari is inconvenient to her as well as the child and therefore, it is submitted by learned counsel for the petitioner that the M.C.No.235/2025 pending on the file of the Principal Judge, Family Court, Ballari be transferred to the I Additional Principal Judge, Family Court, Gadag. The learned counsel appearing for the petitioner has reiterated the contentions taken up in the petition.

4. Per contra, learned counsel appearing for the respondent admits that there are two petitions which are pending before the Family Court at Gadag. Therefore, this Court is of the view that it would be just and proper to allow the petition.



5. This Court in the case of **Smt. M. V. Rekha V/s. Sri Sathya @ Suraj**¹ 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 they

¹ ILR 2010 KAR 5407



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. In that view of the matter, the petition deserves to be allowed and hence, the following:

ORDER

- i. The petition is **allowed**.
- ii. The M.C.No.235/2025 pending before the Principal Judge, Family Court, Ballari is hereby withdrawn and transferred to the I Additional Principal Judge, Family Court at Gadag, where G and WC No.2/2025 and Criminal Miscellaneous No.92/2025 are pending, 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 SI No.: 18