



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.100197 OF 2025

BETWEEN:

SHARADA W/O. AJIT ACHARI,
AGE: 36 YEARS, OCC. HOUSEHOLD,
R/O. MANKODU VILLAGE,
TALUK: SAGAR,
DIST. SHIMOGA-577401.

...PETITIONER

(BY SRI. MADAN DESHPANDE, ADVOCATE)

AND:

AJIT S/O. GAJANAN ACHARI,
AGE: 41 YEARS, OCC. PRIVATE,
R/O. GUDNAPUR-KATRIKOPPA VILLAGE,
POST: GUDNAPUR, TALUK: SIRSI,
DIST. UTTAR KANNADA-581318.

...RESPONDENT

(BY SRI. S.G. KADADAKATTI, ADVOCATE)

THIS CIVIL PETITION IS FILED U/SEC.24 OF CPC, PRAYING TO ALLOW THIS PETITION AND TRANSFER THE CASE IN M.C.NO.66/2024 PENDING ON THE FILE OF HON'BLE SENIOR CIVIL JUDGE AND PRL. JMFC SIRSI TO THE HON'BLE SENIOR CIVIL JUDGE AND JMFC, SAGARA 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: 2025.12.11
10:27:10 +0530



ORAL ORDER

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

Heard the learned counsels appearing for the petitioner and the respondent.

2. The respondent is the husband of the petitioner. The petitioner has filed this petition for seeking transfer of M.C.No.66/2024 filed by the respondent for divorce which is pending before the learned Senior Civil Judge and Principal J.M.F.C., Sirsi to the Court of the learned Senior Civil Judge and J.M.F.C., Sagara.

3. The petitioner contends that she married the respondent on 07.04.2022 at Sagara and thereafter she led marital life with the respondent for some time. Due to the differences between the petitioner and the respondent, she had return back to the parental home at Sagara. It is contended that the respondent has filed M.C.No.66/2024 under Sections 13(1)(ia) and 13(1)(iii) of the Hindu Marriage Act seeking the divorce on the ground that the petitioner is suffering from health ailments. It was alleged by the respondent that the marriage was performed by the family members of the petitioner without



disclosing the health condition of the petitioner. The petitioner contends that it is difficult for her to attend the Court at Sirsi, which is about 70 kilometers from Sagara and she being a resident of a remote village in Sagara taluk, she had to change the buses at two places and as such the M.C.No.66/2024 pending on the file of the learned Senior Civil Judge and Principal J.M.F.C., Sirsi be transferred to the learned Senior Civil Judge and J.M.F.C., Sagara.

4. Per contra, learned counsel appearing for the respondent submits that the M.C.No.66/2024 is slated for cross-examination of the PW1 and therefore, there is no truth in the contention of the petitioner that she is unable to visit Sirsi for conducting the case. He also submit that the respondent is ready to bear the expenses of travel whenever she visits Sirsi and as such, the petition may be dismissed.

5. It is pertinent to note that the respondent has filed the divorce petition on the ground that the health condition of the petitioner was not good and such condition of the petitioner was not disclosed to him at the time of the marriage. It is pertinent to note that the judgment of this Court in the case of



Smt. M. V. Rekha V/s. Sri Sathya @ Suraj¹ based on that the convenience of the wife which has to be considered by the Court and as such, it was observed that the law leans in favour of the wife. In paragraph No.15 of the said judgment, 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 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

¹ ILR 2010 KAR 5407



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. The petitioner being a resident of a remote village in Sagara Taluk, it would be difficult for her to attend the Court at Sirsi by travelling all the way from Sagara. Therefore, the petition deserves to be allowed. The fact that the matter is slated for cross-examination of PW1 is not a ground to be considered, since, it is stated that the Court had taken the cross-examination of PW1 as nil and later, it was reopened at the instance of the petitioner. Therefore, the petition deserves to be allowed. Hence, the following:

ORDER

- i. The petition is **allowed**.
- ii. The M.C.No.66/2024 is hereby withdrawn from learned Senior Civil Judge and Principal J.M.F.C., Sirsi and transferred to the Court of the Senior



Civil Judge and J.M.F.C, Sagara 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

SSP: Para: 1 to 3
RKM: Para 4 to end
CT:PA
List No.: 1 SI No.: 40