



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 25TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

CIVIL PETITION NO.100211 OF 2025

BETWEEN:

SMT. VIJAYALAXMI
W/O. DIVYACHETANA NARENDRA,
BEFORE MARRIAGE VIJALAXMI
D/O. SHEKHARAPPA MAJJIGUDDA,
AGE: 33 YEARS, OCC. HOUSEHOLD,
R/O. ANTHUR-BENTHUR VILLAGE,
TQ. AND DIST. GADAG-582101.

...PETITIONER

(BY SRI. P.G. MOGALI, ADVOCATE)

AND:

DIVYACHETANA
S/O. SHIVANAGOUDA NARENDRA,
AGE: 37 YEARS, OCC. AGRICULTURE,
R/O. VINOBA NAGAR, NYAMATHI,
TQ. NYAMATHI, DIST. DAVANAGERE,
NOW R/O. PLOT NO. 21, RENUKANAGAR,
SAVADATTI ROAD, DHARWAD-580001.

...RESPONDENT

(BY SRI. K.H. PATIL, ADVOCATE AND
SRI. GIRISH BHAT, ADVOCATE)

THIS CIVIL PETITION IS FILED U/SEC.24 OF CPC, PRAYING TO TRANSFER M.C.NO.235/2025 PENDING ON THE FILE OF HON'BLE PRINCIPAL JUDGE, FAMILY COURT, DHARWAD TO THE HON'BLE 1ST ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT GADAG, IN THE INTEREST OF JUSTICE AND EQUITY.

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 and the respondent.

2. The petitioner, who is the wife of the respondent is seeking transfer of M.C.No.235/2025 pending on the file of the Principal Judge, Family Court Dharwad to the I-Additional Family Court, Gadag, where the petition filed by the petitioner in Crl.Misc.No.190/2025 seeking maintenance under Section 144 of Bharatiya Nagarik Suraksha Sanhita, 2023, is pending.

3. The petitioner contends that after her marriage on 31.11.2022, there were differences between her and the respondent and the respondent started neglecting her and now she is staying in her parents' house. It is contended that the respondent has filed M.C.No.235/2025 on the file of the Principal Judge, Family Court, Dharwad seeking restitution of conjugal rights. It is submitted that since she is residing at Gadag, it would be convenient for her to attend the Court at Gadag and therefore, the petition be allowed.



4. Per contra, learned counsel appearing for the respondent submits that the respondent has filed the petition for restitution of conjugal rights and he is ready to take the petitioner back to the marital home. It is submitted that the respondent is M.A., Graduate and unemployed and therefore, it would be difficult for him to go to Gadag to conduct the case. It is trite law that if there are two petitions arising out of disputes between the husband and wife and they are filed in two different courts, it is preferable to transfer them to one and the same Court.

5. Further, having regard to the judgment of this Court in the case of in the case of **Smt. M. V. Rekha v. Sri Sathya @ Suraj**¹ the law liens in favour of the wife. This Court in the said judgment at paragraph 15 held as under:

"15. 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

¹ ILR 2010 KAR 5507



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. Nanda Kishori v. S.B. Shivaprakash [AIR 1993 Kar 87.], Sumita Singh v. Kumar Sanjay [(2001) 10 SCC 41 : AIR 2002 SC 396.], and Smt. Swarna Gouri v. Sri Vinayak Pujar [ILR 2007 Kar 4561.])."

6. In view of the above, the Courts have to prefer a place where the wife is residing. Hence, the following:

ORDER

- (i) The petition is **allowed**.
- (ii) The M.C.No.235/2025 pending before the Family Court, Dharwad is hereby withdrawn and transferred to the I-Additional Principal



NC: 2025:KHC-D:16370
CP No. 100211 of 2025

*Judge, Family Court, Gadag, where
Crl.Misc.No.190/2025 filed by the petitioner is
pending for disposal in accordance with law.*

(iii) Intimate both the Courts accordingly.

SD/-
(C M JOSHI)
JUDGE

YAN
CT:PA
List No.: 1 SI No.: 30