



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 21ST DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

CIVIL PETITION NO.100210 OF 2025

BETWEEN:

SMT. BHAGYAMMA G D W/O. SHIVAKUMAR M H,
AGE: 37 YEARS, OCC. NURSE,
R/O. OPD QUARTERS C-5,
2ND FLOOR, VIMS HOSPITAL, BALLARI,
DIST. BALLARI-583101.

...PETITIONER

(BY SRI. HANUMANTHAREDDY SAHUKAR, ADVOCATE)

AND:

SRI. SHIVAKUMAR M H S/O. B. HALAPPA,
AGE: 37 YEARS, OCC. SOCIAL WORKER,
R/O. NEAR CHOUDAMMA TEMPLE,
SALAKATTE ROAD, MITLAKATTE VILLAGE,
TQ. HARIHAR, DIST. DAVANAGERE-577001.

...RESPONDENT

(RESPONDENT-NOTICE SERVED)

THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF CPC,
PRAYING TO WITHDRAW THE CASE IN MC NO.320/2025 PENDING IN
THE COURT OF THE LEARNED FAMILY COURT DAVANAGERE AND TO
TRANSFER THE SAME TO THE COURT OF THE LEARNED FAMILY COURT
BALLARI, FOR ITS DISPOSAL IN ACCORDANCE WITH LAW, IN THE
INTEREST OF JUSTICE AND EQUITY.

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



ORAL JUDGMENT

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

Heard the learned counsel for the petitioner.

2. The petitioner is the wife of the respondent.

3. It is the contention of the petitioner that she married the respondent on 21.06.2018 and out of their wedlock a child is born on 19.06.2019. The petitioner was harassed by the respondent at his house at Davanagere. Therefore, she returned to her parental house at Ballari. The petitioner contends that she had filed M.C.No.155/2021 at Family Court, Ballari for divorce and since the respondent had assured that he will take care of the petitioner and will lead a happy married life, she had withdrawn the same. However, strangely the respondent filed M.C.No.320/2025 at Family Court, Davangere against the petitioner for divorce. Therefore, the petitioner being not in a position to travel to Davangere and is taking care of the child aged six years, she has now sought for transfer of M.C.No.320/2025 from the Family Court at Davanagere to the Family Court at Balari.



4. The respondent despite service of notice did not appear.

5. 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 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

¹ ILR 2010 KAR 5507



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 propositions, the Courts have to prefer a place where the wife is residing. Further, an earlier petition was filed by the petitioner at Ballari and therefore, this Court is of the view that the M.C.No.320/2025 has to be transferred to the Family Court at Ballari. Hence, the following:

ORDER

- (i) The petition is **allowed**.
- (ii) The M.C.No.320/2025 pending before the Family Court, Davanagere is hereby withdrawn and transferred to the Court of Principal Judge, Family Court, Ballari, for disposal in accordance with law.
- (iii) Intimate both the Courts accordingly.



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(iv) In view of disposal of the petition, pending interlocutory applications, if any, do not survive for consideration and are disposed of.

SD/-
(C M JOSHI)
JUDGE

YAN
CT:PA
LIST NO.: 1 SL NO.: 28