



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. 100221 OF 2025

BETWEEN:

SMT. ARPITA @ NAMRATA
W/O. ABHISHEK PATIL,
AGE: 33 YEARS, OCC. PRIVATE SERVICE,
R/O. 881/B3, BASAVA NILAYA,
VINAY COLONY, NEAR BSNL COMPOUND,
BANASHANKARI BADAVANE,
HUBBALLI DISTRICT- 580 031.

...PETITIONER

(BY SRI. SHIVRAJ S. BALLOLI, ADVOCATE)

AND:

SHRI ABHISHEK S/O. MANOHAR PATIL,
AGE: 37 YEARS, OCC. BUSINESS,
R/O. CTS NO.10942, 2ND MAIN,
10TH CROSS, JESSY MANSION,
SADASHIV NAGAR, BELAGAVI-590 019.

...RESPONDENT

(RESPONDENT-NOTICE SERVED)

THIS CIVIL PETITION IS FILED U/SEC.24 OF CPC, PRAYING TO ALLOW THE ABOVE CIVIL PETITION AND TO WITHDRAW THE PROCEEDINGS IN M.C.NO.205/2025 FROM THE FILE OF THE LEARNED PRL. JUDGE FAMILY COURT, BELAGAVI AND TRANSFER THE SAME TO COURT OF THE LEARNED PRINCIPAL FAMILY JUDGE, HUBBALLI AND ETC.

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 remained absent despite service of notice.

3. Petitioner is the wife of the respondent. It is submitted that the respondent has filed M.C.No.205/2025 on the file of the learned Principal Judge, Family Court, Belagavi. It is contended that the petitioner is working as a temporary lecturer in an educational institution at Hubballi and her services are being terminated at the end of the semester and therefore, she is unable to visit Belagavi in prosecuting her contention in M.C.No.205/2025. Therefore, it is submitted that the petition be transferred to the learned Principal Judge, Family Court at Hubballi.

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. In view of the above, it would be appropriate to transfer the M.C.No.205/2025 which is filed for divorce to the learned Principal Judge, Family Court at Hubballi. Hence, the following:

ORDER

- i) The petition is ***allowed***.
- ii) The petition in M.C.No.205/2025 pending on the file of the learned Principal Judge, Family Court, Belagavi is hereby withdrawn and transferred to the learned Principal Judge Family Court, Hubballi for disposal in accordance with law.
- iii) Intimate both the Courts.

SD/-
(C M JOSHI)
JUDGE