



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 12TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

CIVIL PETITION NO.100228 OF 2025

BETWEEN:

SMT. GANGA PRASHANT JAKKAPPANAVAR
AGE: 37 YEARS, OCC. GOVT. SERVANT,
R/O.NO.94, 6TH MAIN, 2ND CROSS,
MOTAPPAPALYA, INDIRANAGAR,
BENGALURU-560038.

...PETITIONER

(BY SRI. R.M. JAVED, ADVOCATE)

AND:

PRASHANT RUDRAPPA JAKKAPPANAVAR
AGE: 34 YEARS, OCC. BUSINESS,
R/O. MURAKHIBHAVI ROAD,
BAILHONGAL, BELAGAVI-591102.

...RESPONDENT

(RESPONDENT-HELD SUFFICIENT)

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THIS CIVIL PETITION IS FILED U/SEC.24 OF CPC, PRAYING
TO PASS AN ORDER OF WITHDRAWAL OF MC NO.32/2025
PENDING ON THE FILE OF SENIOR CIVIL JUDGE, BAILHONGAL
BELAGAVI TO PRL. JUDGE FAMILY COURT BENGALURU IN THE
INTEREST OF JUSTICE 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. The respondent though served with notice, there is no representation.

2. The respondent is the husband of the petitioner. It is the case of the petitioner that her marriage with the respondent had solemnized on 03.03.2024 at Bailhongal. The petitioner is the government servant serving at Bengaluru and the respondent is a businessman at Bailhongal. Due to service conditions of the petitioner, she was transferred from one place to another, which led to differences between the petitioner and the respondent. It is contended that the petitioner has filed petition in M.C.No.6187/2025 before the Principal Judge, Family Court, Bengaluru for restitution of conjugal rights and the respondent has filed M.C.No.32/2025 at Senior Civil Judge, Bailongal seeking divorce. The petitioner contends that she being a government servant, it is not possible for her to attend the Court at Bailhongal. It is contended that the respondent is running a small business and having agricultural lands and



therefore, he can very well visit Bengaluru in prosecuting the case. It is also submitted that it would be appropriate that if both the matters are dealt with by one and the same Court. Hence, she sought for transfer of M.C.No.32/2025 to the Principal Judge, Family Court, Bengaluru.

3. Despite service of notice, the respondent has not appeared before the Court.

4. The learned counsel for the petitioner reiterated the contentions taken up in the petition. On perusal, it reveals that the petitioner has filed a petition for restitution of conjugal rights at Bengaluru and the respondent has filed divorce petition at Bailhongal.

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 has 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,

¹ ILR 2010 KAR 5507



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. 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. Therefore, it would be appropriate to allow the petition. Hence, the following:



ORDER

- (i) The petition is **allowed**.
- (ii) The M.C.No.32/2025 pending before the Senior Civil Judge and JMFC, Bailhongal is hereby withdrawn and transferred to the Court of Principal Judge, Family Court, Bengaluru, where M.C.No.6187/2025 filed by the petitioner is pending, for disposal in accordance with law.
- (iii) The Transferor Court is at liberty to fix the date of appearance of the parties before the Transferee Court.
- (iv) Intimate both the Courts accordingly.
- (v) 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**