



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 18TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

CIVIL PETITION NO.100229 OF 2025

BETWEEN:

SMT. SHWETA W/O. SHRISHAIL GUDENNI,
AGE: 33 YEARS, OCC. HOUSEHOLD WORK,
R/O. SUTAGUNDI, AT POST: DEVAR,
GENNUR-586125, TQ. BABALESHWAR,
DIST. VIJAYAPURA,
PRESENTLY RESIDING AT
AT. POST: KALLOLLI-591124,
TQ. GOKAK, DIST. BELAGAVI.

...PETITIONER

(BY SMT. SHRUTI A. NEELOPANT, ADVOCATE FOR
SRI. SHRIHARSH A. NEELOPANT, ADVOCATE)

AND:

SHRI SHRISHAIL S/O. RANGANAGOUDA GUDENNI,
AGE: 35 YEARS, OCC. AGRICULTURE,
R/O. SUTAGUNDI-586170,
TQ. BABALESHWAR, DIST. VIJAYAPURA.

...RESPONDENT

(BY SRI. D.M. MALLI, ADVOCATE)

THIS CIVIL PETITION IS FILED U/SEC.24 OF CPC, PRAYING TO
PASS APPROPRIATE ORDER OR DIRECTION FOR TRANSFER OF
PETITION MC NO.354/2025 ON THE FILE OF 1ST ADDITIONAL
PRINCIPAL JUDGE, FAMILY COURT, VIJAYAPURA TO THE PRINCIPAL
SENIOR CIVIL JUDGE, GOKAK IN THE INTEREST OF JUSTICE AND
EQUITY 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 learned counsel appearing for the petitioner and the respondent.

2. The respondent has filed vakalath for the respondent today.

3. Learned counsel for the respondent submits that the matter may be referred to mediation. However, learned counsel appearing for the petitioner submits that the petitioner is not interested in mediation.

4. Learned counsel for the petitioner submits that the marriage of the petitioner with the respondent had solemnized on 30.04.2015 at Sutagundi Taluk, Vijayapura District. Thereafter, out of the wedlock, two children were born to them and subsequently, there were some differences between the petitioner and the respondent. The elder sister of the respondent was given in marriage to the brother of the petitioner and the brother of the petitioner died in a road



traffic accident in the year 2021. Thereafter, the elder sister of the respondent started residing in her parental home. It is alleged that there were pinpricks and harassment to the petitioner and therefore, she started staying at Kalloli of Mudalgi Taluk. It is contended that the respondent has filed M.C.No.354/2025 before the I Additional Principal Judge, Family Court, Vijayapura seeking restitution of conjugal rights. It is submitted that the petitioner is now residing at Mudalgi Taluk and it would be difficult for her to travel to Vijayapura and therefore, the above mentioned M.C.No.354/2025 be transferred to the Court at Principal Senior Civil Judge, Gokak.

5. Learned counsel appearing for the respondent submits that the distance is only 100 kilometers and therefore, there is no need to transfer the matter to the Senior Civil Judge at Gokak. It is submitted that the other allegations made by the petitioner in the petition are false.

6. At this juncture, this Court is not concerned with the merits or demerits of the case of the petitioner or the respondent. Whether the request for transfer of the matter in



M.C.No.354/2025 from Family Court, Vijayapura is justifiable, is the only question to be determined.

7. This Court in the case **Smt. M. V. Rekha v. Sri Sathya @ Suraj**¹ at Paragraph No.15 has held as hereunder:

"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

¹ ILR 2010 KAR 5407



issues and conflict of decisions (See Smt.NandaKishori v. S.B.Shiua 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)

8. It is worth to note that the petitioner is living with two children near Gokak and she had to catch at Kalloli and change at Gokak to go to Vijayapura. Therefore, by applying the principles laid down in the above judgment, the matter needs to be transferred from Vijayapura to Gokak. Hence the following:

ORDER

- i. The petition is ***allowed***.
- ii. The M.C.No.354/2025 pending before the I Additional Principal Judge, Family Court, Vijayapura is hereby withdrawn and transferred to the Senior Civil Judge, Gokak 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

RKM
CT:PA
LIST NO.: 1 SL NO.: 41