

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO.33460 OF 2025 (GM-FC)

BETWEEN:

SMT. PAVITHRA. H. S.
W/O KENDAGANNASWAMY
AGED ABOUT 24 YEARS
R/AT: HARADANAHALLI VILLAGE
BILIKERE HOBLI,
HUNSUR TALUK
MYSORE-571 604.

...PETITIONER

(BY SRI. KANTHARAJA D.,ADVOCATE)

AND:

SRI. KENDAGANNA SWAMY. H. T.
S/O THAMMANEGOWDA
AGED ABOUT 27 YEARS
R/AT NO.1, 11TH BLOCK,
HEBBAL POLICE QUATRESS,
HEBBAL,
BENGALURU-560 032.

...RESPONDENT

Digitally signed by
VIJAYALAKSHMI
B N



Location: HIGH
COURT OF
KARNATAKA

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO WHEREFORE THE PETITIONER ABOVE NAMED, MOST RESPECTFULLY PRAYS THAT THIS HONORABLE COURT BE TRANSFER THE ENTIRE PROCEEDINGS IN MC NO. 3473/2025 FILED UNDER SECTION 13 1(1a) (1b) OF HINDU MARRIAGE ACT FOR DISSOLUTION OF MARRIAGE BY RESPONDENT HUSBAND WHICH IS PENDING BEFORE 1ST ADDL. PRL. FAMILY JUDGE AT BANGALORE TO SENIOR CIVIL JUDGE, HUNSUR, MYSORE DISTRICT, PLEASED TO ISSUE WRIT OF CERTIORARI WITH RESPECT TO THE PETITIONER IS CONCERNED ANNEXURE-H.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 24.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV ORDER

This petition is filed by the petitioner – wife against the respondent – husband, the petitioner seeks transfer of entire proceedings in M.C.No.3473/2025 pending before the I Additional Principal Family Judge, Bengaluru to the Senior Civil Judge, Hunsur, Mysuru, where the petitioner – wife is residing.

2. The brief facts of the case are that:-

The respondent – husband has filed petition in M.C.No.3473/2025 against the petitioner – wife for dissolution of marriage under Section 13(1) 1(a) (b) under Hindu Marriage Act, 1955, which is pending before the I Additional Principal Family Judge at Bengaluru. A criminal case for dowry harassment against the respondent is also pending before the Principal civil Judge and JMFC at

Hunsur. The petitioner is the resident of Haradanahalli Village, Hunsur Taluk, Mysuru District.

3. Learned counsel for the petitioner – wife submits that petitioner is having 20 days old baby and she is still under post delivery treatment and doctor has advised petitioner not to travel due weather condition. He submits that both the cases are tried in two different Courts and it would be waste of time and the subject matter involved in both the cases are relating to matrimonial dispute between the parties. Hence, in order to avoid conflict orders and abuse of Court process, it is just and necessary to transfer the case preferred by the respondent in M.C.No.3473/2025 pending before the I Additional Principal Family Judge, Bengaluru to the Senior Civil Judge at Hunsur, Mysuru. Therefore, prays to allow the petition.

4. Notice issued to the respondent is returned with the postal endorsement 'Addressee not claimed' and hence, the notice to the respondent is held sufficient.

5. Heard learned counsel for the petitioner and perused the material on record.

6. A perusal of the petition in M.C.No.3473/2025 filed by the respondent – husband herein indicates that the petitioner – wife is residing at Hunsur, Mysuru. The petitioner is having 20 days old baby and she is under post delivery treatment.

7. In view of the same, this Court has relied on the law laid down by the Hon'ble Apex Court in the case of **SUMITA SINGH VS. KUMAR SANJAY AND ANOTHER** reported in **AIR 2002 SC 396**, wherein, it is observed that the convenience of the wife has to be looked into at the time of considering the transfer application filed under Section 24 of the Code of Civil Procedure, which is further followed by a Co-ordinate Bench of this Court in the case of **SUHASINI Vs. S.B.MAHENDRA KUMAR** reported in **ILR 2015 KAR 2804**, the petition deserves to be allowed.

8. Accordingly, I proceed to pass the following:-

ORDER

- (i) The writ petition is hereby ***allowed***.
- (ii) M.C.No.3473/2025 pending on the file of the I Additional Principal Family Judge, Bengaluru, is hereby transferred to Senior Civil Judge, Hunsur, Mysuru and the said Court is directed to hear the same and take appropriate decision in accordance with law.
- (iii) However, liberty is reserved in favour of the respondent to seek necessary exemption from personal appearance, whenever possible before the Court at Mysuru to which the aforesaid M.C.No.3473/2025 now stands transferred to.
- (iv) Respondent is also reserved liberty to request the Court for the proceedings to be conducted through video conferencing.

**SD/-
(DR.K.MANMADHA RAO)
JUDGE**

MH/-