NC: 2024:KHC-D:18320
CP No. 100237 of 2024

**IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH**

DATED THIS THE 17TH DAY OF DECEMBER, 2024

BEFORE

**THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**CIVIL PETITION NO.100237 OF 2024**

BETWEEN:

MS. PALLAVI,
W/O IRABASAPPA KARAKUN,
AGED ABOUT 27 YEARS, OCC: HOUSE WIFE,
W/O. MR. IRABASAPPA KARAKUN,
C/O ARUN VASANAD,
NEAR MUDAKAVI IRANNA TEMPLE,
POST: MUDAKAVI, TQ: RAMADURG,
DIST: BELAGAVI.

... PETITIONER

(BY SRI. P.V. GUNJAL, ADVOCATE)

AND:

MR. IRABASAPPA KARAKUN,
AGED ABOUT 42 YEARS, OCC: TEACHER,
S/O MR. MAHADEVAPPA KARAKUN,
R/O: VADAVADAGI,
TQ: MUDDEBIHAL/NIDAGUNDI,
DIST: VIJAYAPUR, PIN CODE-586 208.

... RESPONDENT

(RESPONDENT SERVED)

V N BADIGER
Digitally signed by V N BADIGER
Location: HIGH COURT OF KARNATAKA DHARWAD BENCH
Date: 2024.12.20 12:25:28 +0530

THIS CIVIL PETITION IS FILED U/SEC.24 OF CPC, PRAYING TO WITHDRAW MC 29/2024 FROM THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC COURT MUDDEBIHAL AND TRANSFER THE SAME TO THE JMFC COURT RAMADURG.

THIS CIVIL PETITION IS COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

**ORAL ORDER**

The present petition is filed seeking transfer of M.C. No.29/2024 pending on the file of the Senior Civil Judge and JMFC Court, Muddebihal to the Court of JMFC, Ramadurg.

2. The facts of the case are that, the marriage of the petitioner with the respondent took place on 31.05.2015 and in the wedlock, the petitioner gave birth to a son on 26.09.2016, and two daughters on 13.01.2020 and 31.08.2022. In view of the dispute between the parties, the petitioner left matrimonial home. Thereafter on 27.05.2024, the husband filed M.C. No.29/2024 under Section 9 of the Hindu Marriage Act, 1955, before the Senior Civil Judge and JMFC, Muddebihal, seeking restitution of conjugal rights. It is the case of the wife that the she is a resident of Mudakavi village of Ramdurga Taluk in Belagavi District, and the distance between Mudakavi and Muddebihal is 250 kms, she has three children to take care of and it is difficult for the petitioner to travel from Mudakavi to Muddebihal on every date of hearing and as such, came up with the instant petition seeking transfer.

3. Though notice is served on the respondent, no vakalath is filed on his behalf.

4. Considering the submission of the learned counsel for the petitioner and also considering that the petitioner has to take care of her three children and also that the distance between Mudakavi and Muddebihal is 250 kms., this Court deems it appropriate to pass the following:

**ORDER**

i) M.C. No.29/2024 pending on the file of the Senior Civil Judge and JMFC, Muddebihal is withdrawn and transferred to the Court of JMFC, Ramadurg.

ii) Accordingly, the civil petition is ***allowed*****.**

iii) All pending I.As., in this petition shall stand closed.

**Sd/-**
**JUSTICE LALITHA KANNEGANTI**

KMS
CT:BCK
List No.: 1 Sl No.: 48