NC: 2024:KHC-D:18321
CP No. 100249 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. 100249 OF 2024

BETWEEN:

SMT. SHIVAMMA,
W/O BASAVARAJ HADAPAD,
B/M SHIVAMMA,
D/O VIRAPPA HADAPAD,
AGE: 29 YEARS,
OCC: HOUSEHOLD WORK,
R/AT: KALAS, TQ: KUNDGOL,
DIST: DHARWAD-580 008.

… PETITIONER

(BY SRI. SADYOJAT R. BALIGATTIMATH, ADVOCATE)

AND:

SRI. BASAVARAJ,
S/O BASAPPA HADAPAD,
AGE: 40 YEARS,
OCC: AGRICULTURE,
R/AT: HADAPAD STREET,
NAVALAGUND,
TQ: NAVALAGUND,
DIST: DHARWAD-580 008.

… RESPONDENT

(RESPONDENT SERVED)

V N BADIGER
Digitally signed by V N BADIGER
Location: HIGH COURT OF KARNATAKA DHARWAD BENCH
Date: 2024.12.20 12:25:29 +0530

THIS CIVIL PETITION IS FILED U/SEC.24 OF CPC, PRAYING TO TRANSFER M.C.NO.60 OF 2024 PENDING ON THE FILE OF THE HON'BLE SENIOR CIVIL JUDGE AND JMFC AT: NAVALGUND TO THE COURT OF THE HON'BLE SENIOR CIVIL JUDGE AND JMFC, KUNDGOL IN THE INTEREST OF JUSTICE.

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.60/2024 pending on the file of the Senior Civil Judge and JMFC Court, Navalgund to the Court of Senior Civil Judge and JMFC, Kundgol.

2. It is stated that in view of the differences between the parties, the petitioner left matrimonial home. Thereafter, the husband filed M.C. No.60/2024 under Section 9 of the Hindu Marriage Act, 1955, before the Senior Civil Judge and JMFC, Navalgund seeking restitution of conjugal rights. It is the case of the wife that the she is a resident of Kundgol, and the distance between Kundgol and Navalgund is 80 kms. It is stated that the petitioner has to take care of her three year old child and it is difficult for the petitioner to travel from Kundgol to Navalgund on every date of hearing and as such, came up with the present 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 years old child and also that the distance between Kundgol and Navalgund is 80 kms., this Court deems it appropriate to pass the following:

ORDER

i) M.C. No.60/2024 pending on the file of the Senior Civil Judge and JMFC, Navalgund is withdrawn and transferred to the Court of Senior Civil Judge and JMFC, Kundgol.

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.: 50