HC-KAR

NC: 2026:KHC:60404
CP No. 65 of 2026

CNR: KAHC010108502026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CIVIL PETITION NO. 65 OF 2026

BETWEEN:

MS. LAKSHMI C
W/O MR. JAGADISH KUMAR. S,
AGED ABOUT 29 YEARS,
R/A NO. 456/3, 3RD CROSS,
BEERAPPA GARDEN, CHAMUNDI NAGAR,
RT NAGAR, BANGALORE - 560 032.
PRESENTLY R/AT NO. 4TH MAIN,
DEAD END, MATADAHALLI,
R.T. NAGAR, BANGALORE - 560 032.

...PETITIONER

(BY SMT. AKANKSHA JAIN, ADVOCATE FOR
SRI. LAKSHMI NARASIMHA G.N, ADVOCATE)

Digitally signed by ASHWINI MAYAPPA MAVARAKAR
Location: High Court of Karnataka

AND:

MR. JAGADISH KUMAR S
S/O MR. S. R. SHIVANNA,
AGED ABOUT 33 YEARS,
PRESENTLY R/AT POLICE QUARTERS,
CHINTAMANI TOWN,
KARNATAKA - 563 125.

...RESPONDENT

(BY SRI. B.N.SURESH BABU, ADVOCATE)

THIS CIVIL PETITION IS FILED UNDER SEC. 24 OF CPC PRAYING TO TRANSFER ALL THE PROCEEDINGS IN MC NO. 84/2023 PENDING BEFORE THE SENIOR CIVIL JUDGE AND JMFC, CHINTAMANI, CHIKKABALLAPUR DISTRICT TO THE PRINCIPAL JUDGE, FAMILY COURT, AT BENGALURU IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Seeking for transfer of proceedings in M.C.no.84/2023 pending on file of Senior Civil Judge & JMFC at Chintamani, Chikkaballapur district to Prl. Judge, Family Court at Bengaluru, this petition is filed.

2. Smt.Akanksha, learned counsel appearing for Sri Lakshmi Narasimha, Advocate for petitioner submitted that marriage of petitioner and respondent was solemnized on 17.06.2020 at Bengaluru. After marriage, they resided together at Bengaluru. From wedlock, a son was born. Due to subsequent matrimonial discord, she was constrained to reside with her parents at Bengaluru. Respondent filed

M.C.no.84/2022 under Section 9 of Hindu Marriage Act, 1955 (***Act***) before Court at Chintamani, while petitioner had filed Crl.Misc.no.396/2025 for maintenance. It was submitted that said maintenance petition was pending before Court of II Addl. Prl. Judge, Family Court, Bengaluru, in which respondent had entered appearance. Therefore, for consolidation of proceedings as well as to avoid hardship, petition was required to be allowed.

3. Sri B.N.Suresh Babu, learned counsel for respondent, on other hand, would oppose submission. It was submitted that after marriage, parties had led matrimonial life at Chintamani. He would also submit that matter at Chintamani was at stage of cross-examination, and therefore, transfer would cause hardship to respondent.

4. It was undertaken that in case petitioner herein made herself available for deposition before Court at Chintamani on any particular day, respondent would complete her cross-examination on same day and avoid causing inconvenience to petitioner and prayed for dismissal.

5. In reply, learned counsel for petitioner would dispute current stage of proceedings before Court at Chintamani.

6. Heard learned counsel and perused petition and material on record.

7. This petition is by wife for transfer of matrimonial proceedings from jurisdictional Court at Chintamani to Family Court at Bengaluru.

8. Hon'ble Supreme Court in cases of **Sumita Singh v. Kumar Sanjay & Anr.**, reported in **(2001) 10 SCC 41**; **Rajani Kishor Pradeshi v. Kishor Babulal Pardeshi**, reported in **(2005) 12 SCC 237** and **NCV Aishwarya v. AS Saravana Karthik Sha**, reported in **(2022) SCC OnLine SC 1199**, has held that while considering petition for transfer of matrimonial proceedings, convenience of wife would be of paramount consideration.

9. Apart from above, in instant case, even wife has filed petition for maintenance and same is presently pending before II Addl. Prl. Judge, Family Court, Bengaluru, in which

respondent is stated to have appeared and contesting. Therefore, for consolidation of proceedings between parties petitioner's request would require consideration.

10. Even if cross-examination of PW1 were completed in proceedings at Chintamani, same would not come in way of consideration of request for transfer. As petitioner claims to be resident of Bengaluru, it would be convenient for her to lead her evidence before Court at Bengaluru.

11. Insofar as concession to conclude cross-examination on same day and apprehension of proceedings before Family Court at Bengaluru, being dilated, appropriate orders could be passed to mitigate.

12. In view of above, Petition is ***allowed***, proceedings in M.C.no.84/2023 pending on file of Senior Civil Judge & JMFC Court at Chintamani, Chikkaballapur district stands withdrawn and transferred to II Addl. Prl. Judge, Family Court at Bengaluru, to be tried along with Crl.Misc.no.396/2025.

A direction is issued to Family Court to conclude recording of evidence by fixing specific date of appearance for witnesses permitting cross-examination on same day and to expedite conclusion of proceedings.

Since both parties are represented and to avoid loss of time due to fresh notice, they are directed to appear before II Addl. Prl. Judge, Family Court, Bengaluru, on **08.12.2026**.

Undertaking of both parties to co-operate for early conclusion is recorded.

Sd/-
(RAVI V HOSMANI)
JUDGE

HNM
List No.: 1 Sl No.: 16