HC-KAR

NC: 2026:KHC:54854
CP No. 246 of 2025

CNR: KAHC010445082025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CIVIL PETITION NO. 246 OF 2025

BETWEEN:

SMT.LAKSHMI S.,
W/O SRI C.K. RUPESH,
AGED ABOUT 28 YEARS,
R/AT NO.227,
C/O SHANKARANAYAKA,
AMARAVATHY COLONY,
HARIHAR - 577 601.

...PETITIONER

(BY SMT.HEMAVATHI J., ADVOCATE FOR
SRI CHENNAKESHAVA SWAMY, ADVOCATE)

AND:

SRI C.K. RUPESH
S/O SRI H.KRISHNA,
AGED ABOUT 35 YEARS,
R/AT SIDDAGANGAPPA BUILDING,
GANGONDANAHALLI MAIN ROAD,
LAKSHMIPURA, BENGALURU NORTH,
BENGALURU - 562 123.

AND ALSO AT
SRI C.K. RUPESH
S/O SRI H.KRISHNA,
R/AT K.G.LAKKENAHALLI,
JYOTHI NAGARA, DASANAPURA,
BENGALURU - 562 162.

...RESPONDENT

(RESPONDENT - NOTICE SERVED AND UNREPRESENTED)

Digitally signed by ANUSHA V
Location: High Court of Karnataka

THIS CIVIL PETITION FILED UNDER SEC. 24 OF THE CIVIL PROCEDURE CODE 1908 PRAYING TO TRANSFER THE PETITION IN MC NO.125/2024 FILED BY THE RESPONDENT ON THE FILE OF THE HON'BLE I ADDITIONAL SENIOR CIVIL JUDGE AND JMFC AT NELAMANGALA TO THE COURT OF PRINCIPAL FAMILY COURT, AT DAVANAGERE 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 MC no.125/2024 from I Additional Senior Civil Judge and JMFC at Nelamangala to Principal Family Court at Davanagere, this petition is filed.

2. Smt.Hemavathi, learned counsel appearing for Sri Chennakeshavaswamy, advocate for petitioner submitted that marriage of petitioner and respondent was solemnized on 08.02.2023 at Harihar. Thereafter they led matrimonial life at Bangalore. Respondent was an auto driver by profession. Due to harassment with demands for dowry, she was constrained to go back to her parents at Harihar where she was without maintenance or source of income. In meanwhile, respondent

had filed MC no.125/2024 under Section 13(1)(ia) of Hindu Marriage Act, 1955, for divorce. On ground that petitioner was staying with her parents at Harihar and had filed Crl. Misc. no.580/2024 before Principal Civil Judge and JMFC Court at Harihar, and respondent would require to attend said proceedings. For purpose of consolidation of proceedings at one place as well as to avoid hardship on her in travelling from Harihar to Bangalore, petition is filed.

3. Notice was issued. Respondent is served, but unrepresented. There is no opposition to petition.

4. As per decision of Hon'ble Supreme Court in **NCV Aishwarya v. AS Saravana Karthik Sha** reported in **2022 SCC OnLine SC 1199** in case of petition for transfer of matrimonial proceedings, convenience of wife has to be primary consideration. In instant case, apart from convenience of wife, other factor that weigh in favour of petitioner is pendency of her petition under Domestic Violence Act. But said petition is pending before Principal Civil Judge and JMFC Court at Harihar. To mitigate hardship being caused to respondent, it would be

appropriate to transfer it also to be tried by Family Court at Davanagere. Accordingly, following:

ORDER

1. Petition is ***allowed***.

2. Proceedings in MC no.125/2024 is withdrawn from file of I Additional Senior Civil Judge and JMFC at Nelamangala and transferred to Family Court at Davanagere.

3. Proceedings in Crl. Misc. no.580/2024 stands withdrawn from Principal Civil Judge and JMFC Court at Harihar and transferred to Family Court at Davanagere.

4. Both petitions to be taken up together.

5. To mitigate hardship to respondent if respondent seeks permission to contest proceedings through Video Conferencing, same shall be considered by Family Court at Davanagere.

Sd/-
(RAVI V HOSMANI)
JUDGE

YKL
List No.: 1 Sl No.: 16