HC-KAR

NC: 2026:KHC:62059
CP No. 239 of 2026

CNR: KAHC010492282026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CIVIL PETITION NO. 239 OF 2026

BETWEEN:

SMT. N MANJULA ALIAS LEELAVATHI
W/O SHAM SUNDAR N.M.,
D/O NARAYANAPPA
AGED ABOUT 29 YEARS
R/AT DODDATHOGURU VILLAGE
NEAR MUTHYALAMMA TEMPLE
ELECTRONIC CITY POST
BANGALORE - 560 100.

...PETITIONER

(BY SRI SURESH K., ADVOCATE)

AND:

SRI SHAM SUNDAR N.M.,
S/O NARAYANASWAMY
AGED ABOUT 39 YEARS
R/AT AKKUPETE (MELINA THOTAGALU)
WARD NO.23, DEVANAHALLI TOWN
KAABA HOBLI
DEVANAHALLI TALUK
BANGALORE RURAL DISTRICT - 562 110.

...RESPONDENT

(BY SRI SHIVAPRASAD E., ADVOCATE)

Digitally signed by ANUSHA V
Location: High Court of Karnataka

THIS CP IS FILED U/S. 24 OF CPC PRAYING TO ALLOW THIS PETITION AND TRANSFER MC NO. 13/2025 PENDING BEFORE THE COURT OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND JMFC,

DEVANAHALLI, BENGALURU RURAL DISTRICT, TO THE FAMILY COURT AT BENGALURU), IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION IS 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.13/2025 on file of Court of I Addl. Senior Civil Judge & JMFC, Devanahalli, Bengaluru Rural District to Family Court, Bengaluru, this petition is filed.

2. Sri K Suresh Desai, learned counsel for petitioner submitted that marriage of petitioner and respondent was solemnized on 23.05.2012 at Devanahalli. Thereafter, they led matrimonial life at Devanahalli. From wedlock, three children were born. Due to subsequent matrimonial discord, petitioner was constrained to go back to her parents house. It was submitted that petitioner was without any source of income. In meanwhile, respondent had filed petition for restitution of conjugal rights before Court at Devanahalli. It was submitted that petitioner was finding it difficult to travel from Bengaluru to Devanahalli on each date of hearing and prosecute petition.

Distance between Bengaluru and Devanahalli was more than 65 Kms. Youngest child of petitioner was minor.

3. Further, petitioner had filed Crl.Misc.no.950/2025 which was pending before Chief Judicial Magistrate, Bengaluru, for protection under provisions of Protection of Women from Domestic Violence Act, 2005 (**DV Act**) and that respondent had appeared in same. In view of above, not only on ground of hardship but also on ground of consolidation of proceedings, petition was required to be allowed.

4. On other hand, Sri Shivaprasad E., learned counsel for respondent would opposed petition. It was submitted that though present petition was filed for transfer of matrimonial proceedings from Devanahalli to Bengaluru, O.S.no.950/2024 for partition was filed against present respondent and pending before III Addl.Senior Civil Judge at Devanahalli, by petitioner on behalf of children. Since petitioner was prosecuting said matter before Devanahalli, contention based on hardship would evaporate and sought for dismissal.

5. Heard learned counsel, perused petition and material on record.

6. This petition is by wife for transfer of matrimonial proceedings in MC no.13/2025 from Court of I Addl.Senior Civil Judge & JMFC, Devanahalli to Family Court, Bengaluru.

7. 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 observed that in case of petition for transfer of matrimonial proceedings by wife, her convenience would be primary consideration.

8. Apart from above, Crl.Misc.no.950/2025 filed by petitioner - wife under DV Act are presently pending before Chief Judicial Magistrate, Bengaluru. Petitioner is also required to take care of children of whom youngest is 6 years old and requires continuous care. Though there is some substance in contention of respondent about pursuit of OS no.950/2024 at Devanahalli, same would not be tilt balance in favour of respondents and that apart, provision for mitigation by

recording undertaking not to dilate proceedings and to co-operate for early conclusion of proceedings could be made.

9. For consolidation of proceedings, petition is ***allowed*** and proceedings in MC no.13/2025 on file of Court of I Addl.Senior Civil Judge & JMFC, Devanahalli stand withdrawn and transferred to Family Court at Bengaluru.

Undertaking of parties to co-operate for early conclusion is recorded and a direction is also issued to Transferee Court to expedite proceedings.

Sd/-
(RAVI V HOSMANI)
JUDGE

HNM,AV
List No.: 1 Sl No.: 31