HC-KAR

NC: 2026:KHC:61973
CP No. 276 of 2026

CNR: KAHC010556492026

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.276 OF 2026

BETWEEN:

SHANTHALA B.S.,
W/O PRAMOD KUMAR T,
D/O SHIVARAMAPPA K.,
AGE: 33 YEARS, HOUSEWIFE,
R/O INFRONT OF MEDEHALLI GRAMA,
OPPOSITE PANCHAYAT OFFICE,
VIDYA NAGAR,
CHITRADURGA - 577 502.

...PETITIONER

(BY SRI R SHASHIDHARA, ADVOCATE)

AND:

PRAMOD KUMAR T.,
S/O K.V.THIPPESWAMY,
AGED ABOUT 38 YEARS,
BANK EMPLOYEE, R/O E-132,
ANNAPOORNA NILAYA, 2ND CROSS,
GOPAL GOWDA EXTENSION,
SHIVAMOGGA - 577 205.

...RESPONDENT

(BY SRI HALLI SHANTAPPA BASAPPA, ADVOCATE)

Digitally signed by ANUSHA V
Location: High Court of Karnataka

THIS CP IS FILED UNDER SECTION 24 OF CPC., PRAYING TO WITHDRAW THE MC NO.180/2026 PENDING ON THE FILE OF PRL. JUDGE FAMILY COURT AT SHIVAMOGGA AND TRANSFER THE SAME TO PRL.SENIOR CIVIL JUDGE AT CHITRADURGA, BY ALLOWING THIS PETITION, 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 MC no.180/2026 from Court of Principal Judge, Family Court at Shivamogga to Court of Prl.Civil Judge at Chitradurga, this petition is filed.

2. Sri R Shashidhara, learned counsel for petitioner submitted that marriage of petitioner and respondent was solemnized on 23.08.2024 at Chitradurga. Thereafter, they led matrimonial life at Shivamogga. Due to subsequent matrimonial discord, petitioner was constrained to go back to Chitradurga to her parents. It was submitted, petitioner was without any source of income. She had filed Crl.Misc.no.105/2026 in Court of Principal Civil Judge & JMFC, Chitradurga for protection and direction under The Protection of Women from Domestic Violence Act, 2005 (**DV Act**). However, respondent had filed MC no.180/2026 for divorce before Family Court at Shivamogga. It was submitted that petitioner was unable to travel and contest proceedings in Chitradurga and therefore, was seeking for transfer of said proceedings not only on ground

of hardship but also on ground of consolidation of all proceedings between parties at one Court, at one place, petition was required to be allowed.

3. Sri SB Halli, learned counsel for respondent on other hand would vehemently oppose petition. Referring to statement of objections, it was submitted that respondent was suffering from ill health mainly liver cirrhosis etc. and he was bedridden. Referring to medical records produced along with memo, it was submitted that due to said ill health, respondent was unable to appear and contest proceedings under DV Act and said matter had in fact progressed against him *ex parte*. In case, present petition were to be transferred, even fate of said proceedings would be same and therefore, hardship would weigh in favour of respondent and sought for dismissal.

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

5. This petition is by wife for transfer of proceedings in MC no.180/2026 from Court of Principal Judge, Family Court at Shivamogga to Court of Prl.Civil Judge at Chitradurga.

6. 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 of primary consideration.

7. Besides above, it is seen that petitioner - wife has filed Crl.Misc.no.105/2026 for protection and direction under DV Act. Same is pending before Court at Chitradurga. Though petition is opposed on ground of ill health, it is not clarified how respondent proposed to conduct divorce proceedings even before Court at Shivamogga if ill health were to come in way. Ill health appears to be ruse and in any case, appropriate directions to mitigate hardship could be made.

8. In view of above, petition is ***allowed***. Proceedings in MC no.180/2026 on file of Court of Principal Judge, Family Court at Shivamogga stand withdrawn and transferred to Court of Prl.Civil Judge at Chitradurga, with an observation that in

case respondent makes an application for appearance through video conferencing, same shall be considered. A direction is also issued to Transferee Court to expedite proceedings.

Sd/-
(RAVI V HOSMANI)
JUDGE

AV
List No.: 1 Sl No.: 35