HC-KAR

NC: 2026:KHC:60406
CP No. 296 of 2026

CNR: KAHC010590912026

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. 296 OF 2026

BETWEEN:

MRS. NEELA P.,
W/O DARSHAN T.R,
MAJOR BY AGED 23 YEAS
R/A NO.25, 1ST FLOOR,
5TH MAIN, OPP. TO NAVODAYA BAKERY,
SHAKAMBARINAGARA,
BENGALURU - 560 078.

...PETITIONER

(BY SMT. PAULINE PRIYANKA B., ADVOCATE)

AND:

MR. DARSHAN T R
S/O RANGANATH
AGED ABOUT 30 YEARS,
R/AT NO.489, THIMMANAHALLI,
KANDIKERE HOBLI,
CHIKKANAYAKANAHALLI TALUK,
TUMAKURU DISTRICT - 572 214.

...RESPONDENT

Digitally signed by ANUSHA V
Location: High Court of Karnataka

THIS CP IS FILED U/S. 24 OF CPC PRAYING TO TRANSFER THE MC NO. 55/2025, PENDING ON THE FILE OF THE COURT OF THE PRINCIPAL SENIOR CIVIL JUDGE AND JMFC, CHIKKANAYAKANAHALLI, TUMAKURU DISTRICT, TO THE COURT OF THE PRINCIPAL FAMILY JUDGE AT BENGALURU AND PASS SUCH OTHER ORDER AS THIS HON'BLE COURT MAY DEEM FIT IN THE CIRCUMSTANCES OF THE CASE, 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.55/2025 from file of Principal Senior Civil Judge and JMFC, Chikkanayakanahalli, Tumakuru (‘***Transferring Court***’) to Court of Principal Family Judge, Bengaluru (‘***Transferee Court***’), this petition is filed.

2. Miss Pauline Priyanka B., learned counsel for petitioner submitted that marriage of respondent was solemnized with petitioner on 05.08.2024 at Sri Lakshmi Narasimha Swamy Temple, Horakere Devapura, Hosadurga and registered before Sub-Registrar, Chikkanayakanahalli, Tumakuru District on 08.08.2024. They led marital life for some time. Thereafter alleging that petitioner had deserted respondent, he filed MC no.55/2025 before *Transferring Court* for Restitution of Conjugal Rights under Section 9 of Hindu Marriage Act, 1955. Petitioner was residing at Bengaluru. On ground that she was finding it difficult to travel from Bengaluru to Chikkanayakanahalli and contest proceedings and that

Hon’ble Supreme Court and this Court in various decisions had held convenience of wife has to be taken into account. Besides she was suffering from ill-health and therefore sought for allowing petition.

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

4. This petition is by wife for transfer of proceedings in MC no.55/2025 from file of Principal Senior Civil Judge and JMFC, Chikkanayakanahalli, Tumakuru to Court of Principal Family Judge, Bengaluru.

5. Sole ground urged for transfer is inconvenience on account of distance between Bengaluru and Chikkanayakanahalli. Indeed, 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 in case of a petition for transfer of matrimonial proceedings filed by wife, her convenience would be primary consideration. At same time,

inconvenience or hardship caused to respondent would also require to be taken into account and balanced. In instant case to a Court query, learned counsel for petitioner fairly stated that petitioner was employed. If it is so, merely on ground of ill-health or inconvenience petitioner cannot seek for transfer. Moreso, when facility for appearance through Video Conferencing is available.

6. This Court in CP no.334/2025 [**2025:KHC:44927**] (**Smt.Roopa D**'s case) has denied request for transfer on ground of possibility of appearance through Video Conferencing.

7. In view of above, petition is ***dismissed*** however with observation that in case petitioner requests permission for appearance through Video Conferencing, Court shall consider said request. A direction is also issued to proceed with matter stagewise expeditiously without granting unnecessary adjournments.

Sd/-
(RAVI V HOSMANI)
JUDGE

GRD
List No.: 1 Sl No.: 23