HC-KAR

NC: 2026:KHC:61818
CP No. 266 of 2026
C/W CP No. 383 of 2026

CNR: KAHC010537942026

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. 266 OF 2026

C/W

CIVIL PETITION NO. 383 OF 2026

IN CP No. 266/2026

BETWEEN:

DR. RAGHUNATHA K R.,
S/O RANGADANAPPA K R.,
AGED ABOUT 38 YEARS,
ASSISTANT PROFESSOR
R/AT UNIVERSITY QUARTERS,
SHIVAGANGOTRI CAMPUS,
BADA ROAD,
DAVANAGERE CITY AND POST,
DAVANAGERE DISTRICT.
AADHAR NO.9503 6029 2617
MOBILE NO.8095810145.

...PETITIONER

[BY SRI MANJUNATHA T., ADVOCATE (PH)]

Digitally signed by ANUSHA V
Location: High Court of Karnataka

AND:

1. KRISHNAPPA
   S/O LATE KENCHAPPA
   OCCUPATION AGRICULTURE
   R/AT BAVIKERE VILLAGE AND POST
   LAKKAVALLI HOBLI,
   TARIKERE TALUK
   CHICKMAGALUR DISTRICT.

AADHAR NO.7318 5751 6958
MOBILE NO.9980309739.

2. SMT.SHARADAMMA
W/O KRISHNAPPA,
AGED ABOUT 43 YEARS,
OCCUPATION: AGRICULTURE
R/AT BAVIKERE VILLAGE AND POST
LAKKAVALLI HOBLI, TARIKERE TALUK
CHICKMAGALUR DISTRICT.
AADHAAR NO.9022 1560 0039
MOBILE NO.9980309739.

…RESPONDENTS

[BY SRI SIDDANOORU VISHWANATHA, ADVOCATE (PH)]

THIS CP IS FILED UNDER SEC.24 OF CPC., PRAYING TO TRANSFER G AND WC NO.01/2026, PENDING ON THE FILE OF THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC, TARIKERE, CHICKMAGALURU DISTRICT, TO THE FAMILY COURT AT DAVANAGERE IN EXERCISE OF THE POWERS CONFERRED UNDER SEC.24 OF THE CODE OF CIVIL PROCEDURE, 1908, IN THE INTEREST OF JUSTICE AND EQUITY.

IN CP NO. 383/2026

BETWEEN:

1. SRI KRISHNAPPA
S/O LATE SRI KENCHAPPA,
AGED ABOUT 55 YEARS,

2. SMT.SHARADAMMA,
S/O SRI KRISHNAPPA,
AGED ABOUT 43 YEARS,

3. MASTER DUGU R.GOWDA
S/O DR.RAGHUNATHA K.R.,
AGED ABOUT 3 YEARS 6 MONTHS,
SINCE MINOR REP. BY PETITIONER NOs.1 & 2
PETITIONER NOs.1 TO 3 ARE
R/O BAVIKERE VILLAGE AND POST,
LAKKAVALLI HOBLI, TARIKERE TALUK,
CHIKKAMAGALURU DISTRICT - 577 144.

...PETITIONERS

[BY SRI SIDDANOORU VISHWANATHA, ADVOCATE (PH)]

AND:

DR. RAGHUNATHA K R.,
S/O SRI RANGADANAPPA K.R.,
AGED ABOUT 38 YEARS,
R/O UNIVERSITY QUARTERS,
SHIVAGANGOTRI CAMPUS,
BADA ROAD, DAVANAGERE
DAVANAGERE - 577 002.

...RESPONDENT

[BY SRI MANJUNATHA T., ADVOCATE (PH)]

THIS CP IS FILED U/S. 24 OF CPC PRAYING TO PASS AN ORDER TRANSFERRING THE SAME FROM THE HONBLE FAMILY COURT, DAVANAGERE TO THE HONBLE SENIOR CIVIL JUDGE COURT, TARIKERE, CHIKKAMAGALURU DISTRICT SO AS TO ENABLE ADJUDICATION OF THE MATTER ACCORDING THE LAW, ALONGWITH G AND WC NO.1/26 PENDING BEFORE HONBLE SENIOR CIVIL JUDGE COURT, TARIKERE, CHIKKAMAGALURU DISTRICT SINCE BOTH THE CASES ARE PERTAINING TO SIMILAR RELIEFS i.e., THE CUSTODY OF MINOR CHILD DUGU R. GOWDA, IN THE INTEREST OF

JUSTICE AND EQUITY.

THESE PETITIONS ARE COMING ON FOR *ADMISSION*, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

In these petitions filed under Section 24 of Code of Civil Procedure, 1908, CP no.266/2026 is filed for transfer of proceedings in G&WC no.01/2026 from file of Senior Civil Judge, Tarikere to Family Court at Davanagere, while CP no.383/2026 is filed for transfer of G&WC no.30/2025 from file of Family Court at Davanagere to Court of Senior Civil Judge, Tarikere.

2. Sri Manjunatha T., learned counsel for petitioner (husband) in CP no.266/2026 submitted that marriage of petitioner and respondents' daughter was solemnized on 15.05.2022 at Tarikere. Thereafter, they led marital life at Davanagere and from wed lock, a son was born on 18.04.2023. But after death of respondents' daughter by suicide on 08.03.2024, respondents - maternal grand parents took custody of son and denied access or visitation rights to petitioner, even after repeated requests. Hence, he filed G&WC

no.30/2025. It was submitted, stipulation in Section 9 of Guardians and Wards Act, 1890 (**G&WC Act**) about Court having territorial jurisdiction over place, where child ordinarily resides as forum for filing petition for custody was not inviolable by relying on Division Bench decision of this Court in **Priyanka V. v. Prashanth D Veerapur [2026:KHC:44975-DB]** holding that circumstances existing prior to dispute would be relevant and mere taking child from one place to another would not permit a party to create a different forum. Hence, objection of respondents was not justified and prayed for allowing petition.

3. On other hand, Sri Siddanooru Vishwanatha, learned counsel appearing for respondents opposed petition on ground that Section 9 of G&WC Act mandates applications regarding custody of minor to be filed, where minor ordinarily resides. And since, minor child was residing with them at Tarikere for two years, G&WC no.30/2025 filed by petitioner herein before Family Court at Davanagere was not maintainable. On other hand, it was submitted that respondents had filed CP no.383/2026 for transfer of same to

Court of Senior Civil Judge, Tarikere, where they had filed G&WC no.1/2026 for guardianship. On said grounds, sought for dismissal of CP no.266/2026 and allow CP no.383/2026.

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

5. These petitions are filed for transfer of proceedings under G&WC Act filed by rival parties.

6. CP no.266/2026 is by father of child for transfer of petition for declaration of guardianship filed by respondents maternal grand parents from Court at Tarikere to Family Court at Davanagere, while CP no.383/2026 is for transfer of petition for custody of son from Family Court at Davanagere to Court at Tarikere.

7. Section 9 of G&WC Act requires petition for guardianship right or custody to be filed before District Court having jurisdiction over place where child/minor ordinarily resides. That child is residing with Maternal Grandparents at Tarikere is not in dispute as petitioner is praying for custody of child from them. Therefore, G&WC no.30/2025 filed before

Family Court at Davanagere would not be maintainable. On same reasoning, it would not be appropriate to transfer G&WC no.1/2026 filed before Court at Tarikere to Family Court at Davanagere. It would only be appropriate that both petitions be considered by proper Court at Tarikere, but by providing for directions to mitigate inconvenience and hardship.

8. Accordingly, CP no.266/2026 is ***dismissed*** and CP no.383/2026 is ***allowed.*** Proceedings in G&WC no.30/2025 stand withdrawn from Family Court at Davanagere and transferred to Court of Senior Civil Judge, Tarikere, Chikkamagaluru, to be tried along with G&WC no.1/2026.

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

In view of above, pending applications stand *disposed of*.

Sd/-
(RAVI V HOSMANI)
JUDGE

HNM, AV
List No.: 1 Sl No.: 34