NC: 2025:KHC-K:4783 CP No. 200038 of 2025



## IN THE HIGH COURT OF KARNATAKA, KALABURAGI BENCH

# DATED THIS THE $20^{TH}$ DAY OF AUGUST, 2025 BEFORE

## THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR CIVIL PETITION NO. 200038 OF 2025

#### **BETWEEN:**

SMT. POOJA
W/O SHASHIDHAR NANDIKOL,
D/O SHIVANANDAYYA NANDIKOLMATH,
AGED ABOUT 29 YEARS,
OCC: HOUSEHOLDER
R/AT: NEAR KEB KALYAN MANTAP VARDHAN NAGAR,
NEW JEWARGI ROAD, KALABURAGI – 585 103.

...PETITIONER

(BY Smt. SHARADA PATIL KULGERI, ADVOCATE)

#### AND:



SRI SHASHIDHAR S/O SHIVASHANKARAYYA NANDIKOL, AGED ABOUT 31 YEARS, OCC: NIL R/O: WARD NO.6 CHALUKYA NAGAR, SOLAPUR ROAD, VIJAYAPUR – 585 103.

...RESPONDENT

(BY SRI S.S.MAMADAPUR, ADVOCATE)

THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF THE CPC, PRAYING TO, TRANSFER THE PETITION FILED BY THE RESPONDENT IN MC NO.376/2024 BEFORE THE DIST. JUDGE PRL. FAMILY COURT VIJAYAPUR TO DIST. JUDGE PRL. FAMILY COURT KALABURAGI IN THE INTEREST OF JUSTICE AND EQUITY.



THIS CIVIL PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

#### **ORAL ORDER**

This petition is filed by the petitioner -wife against the respondent -husband under Section 24 of CPC seeking transfer of M.C.No.376/2024 pending on the filed of the I Additional Principal Judge, Family Court, Vijayapura to Principal Judge, Family Court, Kalaburagi.

- 2. Heard learned counsel for the petitioner and learned counsel for the respondent.
- 3. The marriage of the petitioner with respondent was solemnized on 31.05.2023 at Kalaburagi. The petitioner has gone to matrimonial home at Vijayapura and lead matrimonial life and thereafter, differences arose between the petitioner and respondent. The respondent has filed M.C.No.376/2024 against the petitioner seeking dissolution of marriage and it is pending on the file of the I Additional Principal Judge, Family Court, Vijayapura. The



petitioner is seeking transfer of said matrimonial case from Vijayapura to Kalaburagi on the ground that she is residing in Kalaburagi along with her parents and it is inconvenience for her to attend the said case at Vijayapura.

- 4. Learned counsel for the petitioner would contend that the petitioner is now residing with her parents at Kalaburagi and being a lady having no avocation cannot travel from Kalaburagi to Vijayapura to attend the said matrimonial case. With these, he prays to allow the petition.
- 5. Learned counsel for the respondent would contend that the petitioner has appeared in the said matrimonial case and filed statement of objections. Now the matter is for evidence and the respondent will not seek adjournment and lead evidence. The petitioner has to appear only for her evidence and the respondent is ready to give her traveling expenses from Kalaburagi to



Vijayapura. With these, he prays for dismissal of the petition.

- 6. Having heard learned counsels, this Court has perused materials placed on records.
- 7. The marriage of the petitioner with respondent has taken place at Kalaburagi. The petitioner after some time of marriage due to differences, started residing in her parent's house at Kalaburagi. The respondent has filed M.C.No.376/2024 seeking dissolution of marriage and it is pending on the file of the I Additional Principal Civil Judge, Vijayapura.
- 8. The distance between Vijayapura to Kalaburagi is about 150 kms. The petitioner being a lady having no avocation will put to inconvenience to travel from Kalaburagi to Vijayapura. The Hon'ble Apex Court in the case of *NCV Aishwarya Vs A.S. Saravana Kartik Sha*¹ has observed as under;

"Given prevailing socio-economic paradigm in the Indian society, generally, it is the wife's

<sup>&</sup>lt;sup>1</sup> Reported in AIR 2022 SC 4318



convenience which must be looked at while considering transfer."

- 9. In the case on hand, if the case is not transferred, the petitioner will be put inconvenience. Considering above aspects, the petitioner has made out case for transfer.
  - 10. In the result, the following

#### **ORDER**

- i) The petition is **allowed.**
- ii) M.C.No.376/2024 pending on the file of the I Additional Principal Judge, Family Court, Vijayapura is ordered to be withdrawn and transferred to Principal Judge, Family Court, Kalaburagi to dispose of the case in accordance with law.

### Sd/-(SHIVASHANKAR AMARANNAVAR) JUDGE

**DSP** 

List No.: 1 SI No.: 32