NC: 2025:KHC-K:4784 CP No. 200011 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 <u>CIVIL PETITION NO. 200011 OF 2025</u>

BETWEEN:

SRI AMIT HIREMATH S/O CHANNAYYA, AGED: 37 YEARS,

OCC: BUSINESS,

R/O: 105, BAGALKOT ROAD,

NEAR WATER TANK, HONAGANAHALLI,

VIJAYAPURA - 586 102.

...PETITIONER

(BY SRI SANTOSH KUMAR B. BIRADAR, ADVOCATE)

AND:



SMT. PRIYA AMIT HIREMATH
W/O AMIT HIREMATH AND
D/O BASAVARAJ B. GIRIMATH,
AGED 35 YEARS,
OCC: SOFTWARE ENGINEER,
R/O: 227, 7TH CROSS, ANUBHAV NAGAR,
NAGARBHAVI MAIN ROAD,
BENGALURU - 560 072.

PRESENTLY RESIDING AT 25 PARK LANDS COURT, GREAT WEST ROAD, HOUNSLOW, LONDON - TW5 9AU, UNITED KINGDOM.



REPRESENTED BY HER ATTORNEY HOLDER SRI BASAVARAJ B. GIRIMATH S/O BASAVANNAIAH, AGED 72 YEARS, R/O: NO.227, 7TH CROSS, ANUBHAV NAGAR, NAGARBHAVI MAIN ROAD, BENGALURU – 560 072.

...RESPONDENT

(BY SRI MAHANTAPPA S. MANDEWALI, ADVOCATE)

THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF THE CPC, PRAYING TO TRANSFER THE PROCEEDINGS IN MC NO.6576/2024 PENDING ON THE FILE OF VI ADDITIONAL PRL. JUDGE, FAMILY COURT AT BENGALURU TO FAMILY COURT AT VIJAYAPUR, DISTRICT VIJAYAPUR, FOR BEING DECIDED AS PER LAW, IN THE INTEREST OF JUSTICE.

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 -husband against the respondent -wife under Section 24 of CPC seeking transfer of M.C.No.6576/2024 pending on the file of the VI Additional Principal Judge, Family Court, Bengaluru to Family Court, Vijayapura.



- 2. Heard learned counsel for the petitioner and learned counsel for the respondent.
- 3. The marriage of the petitioner with respondent was solemnized on 28.02.2016 at Vijayapura. At the time of marriage, the petitioner and respondent were working at TCS Company, Bengaluru. The petitioner and respondent worked in Bengaluru till the year 2022. After marriage, they resided together in Bengaluru. The petitioner has left his job in the year 2018 and he is residing in his native place i.e., Vijayapura and he intend to set up his own business of CNG Plant at his native place. Out of marriage of the petitioner and respondent, a baby girl was born on 08.03.2018 and her name is Anvita. The respondent got job in London in the year 2022 and now she is residing in London along with her daughter Thereafter, the petitioner stayed with the Anvita. respondent at London for a period of 03 months and returned to Vijayapura in order to set up CNG Plant.



Thereafter, the petitioner went to London in the month of December-2023 and stayed there till March-2024 and thereafter, came back to Bengaluru. Thereafter, the respondent through her General Power of Attorney holder filed M.C.No.6576/2024 for dissolution of marriage and it is pending on the file of the VI Additional Principal Judge, Family Court, Bengaluru. The petitioner has sought transfer of said matrimonial case to Family Court, Vijayapura. The petitioner sought transfer on the ground that their marriage solemnized in Vijayapura and he is residing in Vijayapura. The other ground on which the petitioner has sought the transfer that the respondent is staying in London and the petition is filed through her General Power of Attorney holder and it will not cause inconvenience to the respondent to attend case at Vijayapura.

4. Learned counsel for the petitioner would contend that it is convenience of the wife and not of



General Power of Attorney holder requires to be considered. The General Power of Attorney holder can be changed, if the present General Power of Attorney holder is aged and he cannot travel from Bengaluru to Vijayapura. On that point he placed reliance on the decision of the High Court of Punjab and Hariyana at Chandigarh in the case of *Rubalpreet Kaur thr. Special Power of Attorney Vs Harbarkamaljot Singh* decided on 16.07.2019.

5. Learned counsel for the respondent -wife would contend that after marriage, the petitioner and respondent resided in Bengaluru from 2016 to 2022 and lead marital life in Bengaluru therefore, Family Court, Bengaluru is having jurisdiction. The General Power of Attorney holder of the respondent is her father and he is aged 72 years. He further submits that the brother of the respondent by name Deepak is an Engineer and working in Bengaluru and the respondent cannot appoint him as her General



Power of Attorney holder as he cannot travel from Bengaluru to Vijaypura due to his avocation. He submits that the petitioner is business man, he can travel from Vijaypura to Bengaluru. On these ground, he prays for dismissal of the petition.

- 6. Having heard learned counsels, this Court has perused materials placed on record.
- 7. It is not disputed that the petitioner and respondent after their marriage started residing at Bengaluru from the year 2016 to 2022. Considering the said aspect, Family Court, Bengaluru is having jurisdiction to entertain the petition filed by the respondent seeking dissolution of marriage.
- 8. The petitioner earlier resided in Bengaluru and now he has shifted to Vijayapura. The petitioner is business man, he is young and he can travel from Vijaypura to Bengaluru to attend matrimonial case. The respondent –wife cannot appoint her brother as her

- 7 -

NC: 2025:KHC-K:4784 CP No. 200011 of 2025

III DE LES

General Power of Attorney holder as her brother is residing and working in Bengaluru and he cannot attend Court at Vijayapura due to his avocation.

9. Considering all these aspects, there are no grounds made out for transfer of the case as sought. In the result, the petition is *dismissed*.

Sd/-(SHIVASHANKAR AMARANNAVAR) JUDGE

DSP

List No.: 1 SI No.: 28