

KABG010005632026



**IN THE COURT OF PRL. DISTRICT & SESSIONS JUDGE,
AT BELAGAVI**

DATED THIS THE 24th DAY OF JUNE, 2026

PRESENT: SHRI MANJUNATH NAYAK,
B.A.L. LL.B.,
Prl. District & Sessions Judge,
Belagavi.

Crl.Misc. No.94/2026

Petitioner : Sri Yallappa S/o Mahalingappa Hatti
Age: 32 years, Occ: Service,
R/o: Konnur, Tq: Gokak,
Dist: Belagavi,
Now at Fatima Nagar AIPT,
APTC Dep-Pune.

(By Sri A.M. Uppin, Advocate)

Vs.

Respondents: 1. Smt. Savita W/o Yallappa Hatti
Age: 32 years, Occ: Service,
R/o Konnur, Tq: Gokak,
Dist: Belagavi,
Now at Sanganageri,
Tq: Mudalagi, Dist: Belagavi.

2. Laxmi D/o Yallappa Hatti
Age: 7 years, Occ: Student,
R/o Konnur, Tq: Gokak,
Dist: Belagavi,

Now at Sanganakeri,
Tq: Mudalagi, Dist: Belagavi.
(The respondent No.2 is minor and
Represented by the respondent No.1
No.1 as her minor guardian)

(Absent)

ORDER

This petition is filed under Section 408 of Code of Criminal Procedure ('Cr.P.C.' for short), to withdraw the petitions in Crl.Misc.No.422/2023 and Crl.Misc.No.423/2023 pending on the file of Civil Judge and JMFC, Mudalagi and transfer the same to the I Addl. Civil Judge and JMFC, Gokak.

2. Case of the petitioner, as made out in the petition, is as follows:

It is the case of the petitioner that the respondent No.1 is the legally wedded wife and the respondent No.2 is the daughter of the petitioner. The respondent No.1 filed a petition against the petitioner under the Domestic Violence Act in DVA No.16/2016 before the JMFC, Gokak and subsequently, it was transferred to JMFC, Mudalagi and numbered as Crl.Misc.No.422/2023. The respondents filed a petition

under Section 125 of Cr.P.C. before the JMFC, Gokak and on the basis of order passed in the said petition, a recovery petition is filed in Crl.Misc.423/2023 before the JMFC, Mudalagi. The petitioner is working in Indian Army and he is the permanent resident of Konnur village in Gokak Taluk. The respondents are residing at Sanganakeri in Mugalagi taluk. The respondents have filed the petition initially before the JMFC, Gokak and thereafter, on the ground of jurisdiction, those petitions were made over to the JMFC, Mudalagi. The petitioner has been paying maintenance to the respondents regularly. There is threat to the petitioner, due to which, he cannot come to Mudalagi Court. Hence, the petitioner has filed this petition. On these grounds, petitioner prayed for an order to withdraw Crl.Misc.No.422/2023 and Crl.Misc.No.423/2023 pending on the file of JMFC, Mudalagi and transfer the same to the JMFC, Gokak.

3. The respondent No.1 and 2 failed to appear before this Court in spite of service of notice.

4. I have heard the arguments.

5. The point that arises for my consideration is:

“Whether the petitioner has made out grounds for transfer of petitions in Crl.Misc.No.422/2023 and Crl.Misc.No.423/2023 pending on the file of JMFC, Mudalagi to JMFC, Gokak?”

6. My answer for the above point is **in the negative**, because of my below discussed reasons:

REASONS

7. Along with the petition, the petitioner has produced the order sheet relating to DVA No.16/2016, Crl.Misc.No.41/2018, Crl.Misc.No.422/2023 and Crl.Misc.No.423/2023, the petition filed in Crl.Misc.423/2023 and also report of CDPO. It is evident from these documents that the respondent No.1 has filed a petition before the JMFC, Gokak in DVA No.16/2016 against this petitioner and other family members, under the Domestic Violence Act. After establishment of JMFC, Mudalagi and on the ground of jurisdiction and as per the order passed by this Court on the administrative side, said petition was transferred to JMFC, Mudalagi and registered as Crl.Misc.No.422/2023.

8. The respondents have filed another petition in Crl.Misc.No.41/2018 against this petitioner before the JMFC, Gokak

claiming maintenance. Said petition was also transferred to the JMFC, Mudalagi as per the order passed by this Court on the administrative side and the said petition was registered in Crl.Misc.No.423/2023. Now to transfer both these petitions pending before the JMFC, Mudalagi to the JMFC, Gokak, the petitioner has approached this Court. According to the petitioner, there is life threat on him, due to which, he cannot visit the JMFC, Mudalagi to attend the Court.

9. It is true that the respondents have not appeared before this Court and not filed any objections for this petition. However, the petition of this nature seeking transfer of case from one Court to another cannot be permitted, merely because, the respondents have not appeared and not filed objections. This Court has to independently consider the actual ground, which has been made out for transfer of the petition.

10. The ground for transfer as claimed by the petitioner is life threat to him. Absolutely no materials are produced to prove the same. If there was any such threat posed by the respondents or their family members to the petitioner, when he visited the Court at

Mudalagi, he would have filed police complaint against them and produced the copy of the same before this Court. Even according to the petitioner, he has not filed any such police complaint. It is pertinent to note here that the petitioner is serving in military service and working in Indian Army. The petitioner is not frequent visitor to the Court to attend the Court proceedings at JMFC, Mudalagi. Under such circumstances, one cannot believe the apprehension of threat alleged by the petitioner. I have not found any ground to believe the allegation of the threat made by the petitioner.

11. The respondent No.1 and 2, being the wife and minor daughter aged about 7 years, causing threat to the petitioner, who is serving in Indian Army, appears to be improbable and unbelievable for me. Therefore, the ground sought for transfer cannot be accepted by this court.

12. In a case like this, where the wife and minor daughter sought maintenance from the husband and alleged about the domestic violence, paramount consideration will be the convenient and welfare of the wife and minor daughter. The wife and minor

daughter of the petitioner are the resident within the jurisdiction of JMFC, Mudalagi. Therefore, these respondents can not made to travel outside their jurisdiction to get the maintenance for their livelihood. Therefore, this Court has not found any grounds to transfer these petitions against the interest of the respondents. Considering the same, no grounds are made out for allowing the petition. Accordingly, by answering the above point **in the negative**, I proceed to pass the following order:

ORDER

The petition filed by the petitioner under Section 408 of Code of Criminal Procedure is dismissed.

I direct both the parties to bear their respective costs.

(Dictated to the Stenographer Grade-III, transcribed, computerized and print out taken by her, corrected, signed and then pronounced by me in the Open Court on this the **24th day of June, 2026**)

(Manjunath Nayak)
Prl. District & Sessions Judge,
BELAGAVI.