

KABG010023232026



**IN THE COURT OF PRINCIPAL DISTRICT JUDGE,
AT BELAGAVI**

DATED THIS THE 08th DAY OF JULY, 2026

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

Misc. No.157/2026

PETITIONER: Smt. Rashmi
W/o Manjunath Puranikmath,
Age: 34 years, Occ: Private Service,
R/o C/o Vitthal Veerabhadrapa Parvati,
Near Aniketan School, Shankar Nagar,
Athani, Tq: Athani, Dist: Belagavi.

(By Sri. V.R. Tatri, Advocate)

V/s.

RESPONDENT: Sri Manjunath
S/o Shivananad Puranikmath,
Age: 43 years, Occ: Business,
R/o: House No.2076, Near Laxmi Oil Mill,
Kumbar Galli, Nippani,
Tq: Nippani, Dist: Belagavi.

(Placed Exparte)

ORDER

This petition is filed under Section 24 of Civil Procedure
Code, 1908 ('CPC' for short) to withdraw the petition in MC

No.151/2025 pending on the file of Senior Civil Judge, Nippani and to transfer the same to the Principal Senior Civil Judge, Athani.

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

The respondent has filed a petition under Section 9 of the Hindu Marriage Act, 1955 in MC No.151/2025, before Senior Civil Judge, Nippani. The petitioner has appeared in the said petition as a respondent through his counsel. The marriage between the petitioner and the respondent was solemnized on 03.04.2010 at Paschapur village. About 06 months after the marriage, dispute arose between them. The respondent has issued a notice dated 05.08.2024 by making false allegation against the petitioner. Thereafter, the respondent has filed MC No.151/2025 before the Senior Civil Judge, Nippani. The respondent has not provided maintenance to the petitioner. The petitioner has joined a private school in Athani to earn her livelihood. Nippani is about 95 kilometers away from the Athani. Therefore, it has become very difficult for the petitioner to come to Nippani and to attend the case. The petitioner is getting meager salary by working in a private school and it is not sufficient for her to maintain and to bear litigation expenses. On all these grounds, the petitioner

prayed for an order to transfer MC No.151/2025 from Senior Civil Judge, Nippani to Principal Senior Civil Judge, Athani

3. The respondent failed to appear before this court in spite of service of notice and accordingly, placed exparte.

4. I have heard the arguments.

5. The point that arise for my consideration is:

Whether the petitioner has made out any grounds for transfer of MC No.151/2025 pending on the file of Senior Civil Judge, Nippani to Principal Senior Civil Judge, Athani?

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

REASONS

7. Along with this petition, petitioner has produced the order sheet and petition copy relating to MC No.151/2025 pending on the file of Senior Civil Judge, Nippani. It is evident from the said documents that the respondent herein has filed the said petition under Section 9 of the Hindu Marriage Act, claiming the decree for restitution of conjugal rights against the petitioner. The petitioner has appeared in the said petition through her counsel and it is posted for objection. In the meanwhile, petitioner has approached this court for transfer of said petition to the Principal Senior Civil

Judge, Athani on the ground that after matrimonial dispute between her, the petitioner is started to stay in her parents house at Athani and she is working in a private school and earning meager income. The petitioner further contended that Nippani is situated about 95 kilometers away from Athani and with her meager income, she is not in a position to travel to Nippani to attend the case. Therefore, the petitioner prayed for transfer of said petition to the Principal Senior Civil Judge, Athani.

8. Even though this court has issued notice to the respondent and it was served upon the respondent, he failed to appear before this court and accordingly placed exparte. Due to non appearance of the respondent and non filing of the objection, grounds assigned by the petitioner seeking transfer remained unchallenged. I have not found any reason to disbelieve the reason offered by the petitioner seeking for transfer of MC No.151/2025 from Senior Civil Judge, Nippani to the Principal Senior Civil Judge, Athani.

9. In the case like this, where there is matrimonial dispute between the parties and petition is filed for restitution of conjugal rights, the paramount consideration would be the convenient of

the wife. The petitioner alleged that the respondent is not paying any maintenance to her. The petitioner is presently working in a private school as teacher and getting meager salary. Nippani is situated about 95 kilometers away from Athani. Considering the same, the grounds offered by the petitioner seeking for transfer of MC No.151/2025 has to be accepted. Hence, the petition is deserves to be allowed. Accordingly, by answering the above point **in the Affirmative**, I proceed to pass the following:

ORDER

The petition filed by the petitioner under Section 24 of Civil Procedure Code is allowed.

MC No.151/2025 pending on the file of Senior Civil Judge, Nippani is withdrawn and transferred to Principal Senior Civil Judge, Athani for disposal in accordance with law.

I direct both the parties to bear their respective costs.

(Dictated to the Stenographer Grade-III, after transcription, computerized and print out taken by him, corrected, signed and then pronounced by me in the Open Court on this **8th day of July 2026**)

**(Manjunath Nayak),
Prl. District & Sessions Judge,
Belagavi.**