



DATED THIS THE 20th DAY OF JULY, 2026

Crl.Misc. No.458/2026

(By Sri U.U. Doddamani, Advocate)

Respondent : Mrs. Samareen,
W/o Saddam Goundi
Age: 28 years, Occ: Household,
R/o C/o Rasoolsab Yaragatti,
Billal Mohalla, A.J. Gandhi Nagar,
Munavalli- 591117.

(By Sri S.B. Goundadkar, Advocate)

ORDER

This petition is filed under Section 448 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS' for short), with a prayer to withdraw the petition filed in Crl.Misc.No.374/2025 pending before the I Addl. Civil Judge and JMFC, Bailhongal and transfer the same to Prl. Civil Judge and JMFC, Saundatti, where the Crl.Misc.No.357/2024 is pending in between the same parties.

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

It is the case of the petitioner that he and the respondent are the husband and wife as their marriage was performed on 17.04.2017. Due to matrimonial dispute, petitioner and respondent started to reside separately since 2021. The respondent filed Crl.Misc.No.357/2024 against the petitioner under the provisions of Protection of Women from Domestic Violence Act ('DV Act' for short) before the Prl. Civil Judge and JMFC, Saundatti. The respondent filed another petition in Crl.Misc.No.374/2025 before the I Addl. Civil Judge and JMFC, Bailhongal claiming maintenance. No reasons are assigned

for filing these two petitions by the respondent in different Courts. In order to avoid multiplicity of proceedings, these petitions are required to be adjudicated by the same Court. On all these grounds, petitioner prayed for an order to transfer Crl.Misc.No.374/2025 pending before the I Addl. Civil Judge and JMFC, Bailhongal to Prl. Civil Judge and JMFC, Saundatti, to try along with Crl.Misc.No.357/2024.

3. The respondent has appeared before this Court through her counsel, filed objections to this petition and contended that the petition is not maintainable in law or on facts. The respondent denied all other petition averments and further contended that Crl.Misc.No.374/2025 is posted for evidence as this petitioner failed to appear in the same. The distance between Bailhongal and Saundatti is one and the same. The respondent has got minor daughters. There are no grounds to transfer the petition. This petition is filed to drag on the proceedings. On all these grounds, respondent prayed for dismissal of the petition.

4. I have heard the arguments.

5. The point that arises for my consideration is:

“Whether the petitioner has made out any grounds for transfer of Crl.Misc.No.374/2025 from the Court of I Addl. Civil Judge and JMFC, Bailhongal to the Court of Prl. Civil Judge and JMFC, Saundatti, where Crl.Misc.No.357/2024 is pending?”

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

REASONS

7. It is not in dispute that the petitioner and the respondent are the husband and wife, as their marriage was performed on 17.04.2017. It is also undisputed fact that due to matrimonial dispute between them, they were residing separately since 2021. The respondent is residing in her parents house in Munavalli with her minor children, whereas, the petitioner is residing at Suttatti in Raibag taluk.

8. The documents produced by the petitioner go to show that during the year 2024, respondent filed Crl.Misc.No.357/2024 before the Prl. Civil Judge and JMFC, Saundatti under Section 12 of DV Act claiming the relief against the respondent. Subsequently, the respondent herself has filed a petition in Crl.Misc.No.374/2025 before

the I Addl. Civil Judge and JMFC, Bailhongal against the petitioner under Section 144 of BNSS claiming maintenance. The respondent herself shown her residence as Munavalli in Saundatti taluk while filing both these petitions. Under such circumstances, the respondent failed to explain as to why she filed the second petition before the I Addl. Civil Judge and JMFC, Bailhongal. The respondent offered no explanation for filing these two petitions before two separate Courts, one at Saundatti and another at Bailhongal. Even though these petitions are filed under different statute, still they are required to be decided by the same Court in order to avoid conflicting orders. Under such circumstances, it is just and proper that subsequently instituted petition before the I Addl. Civil Judge and JMFC, Bailhongal has to be withdrawn and same has to be transferred to Prl. Civil Judge and JMFC, Saundatti. Therefore, by answering the above point **in the Affirmative**, I proceed to pass the following order:

ORDER

**The petition filed under Section 448 of
BNSS is allowed.**

The petition filed in Crl.Misc.No.374/2025 pending on the file of I Addl. Civil Judge and JMFC, Bailhongal is withdrawn and transferred to Prl. Civil Judge and JMFC, Saundatti, where the petition in Crl.Misc.No.357/2024 is pending in between both the parties.

(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 **20th day of July, 2026**)

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