

KABG010096812025



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

DATED THIS THE 16th DAY OF JULY, 2026

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

Misc. No.459/2025

PETITIONER: Smt. Rajashri Sandeep Parit,
Age: 28 years, Occ: Household work,
C/o: Sri Mahadev Parit,
R/o: Sultanshah Takke
Bypass Road, Hukkeri,
Tq: Hukkeri, Dist: Belagavi.

(By Smt. P.D. Kamble, Advocate)

V/s.

RESPONDENT: Sri Sandeep Ravasaheb Parit,
Age: 32 years, Occ: Agriculture,
R/o: Faridkhanwadi (Ugar Khurd)
Tq: Kagawad, Dist: Belagavi.

(By Sri N.A. Kamble & Sri S.B. Aihole, Advocates)

ORDER

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

No.34/2025 pending on the file of Principal Senior Civil Judge, Athani and to transfer the same to the Senior Civil Judge, Hukkeri.

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

The petitioner and respondent are the wife and husband, as their marriage was performed on 08.07.2022 and from the said wedlock, they got a daughter. The petitioner stayed in her matrimonial house for about 4-5 months after her marriage and thereafter the respondent and his family members ill-treated the petitioner, due to which the petitioner came back to her parents house. The respondent issued a notice dated 10.01.2025 and the petitioner given reply for the same. Thereafter, the respondent filed MC No.34/2025 before the Principal Senior Civil Judge, Athani claiming decree for restitution of conjugal rights. Athani is situated about 100 kilometers from Hukkeri and the petitioner is finding very difficult to attend the court at Athani due to financial problems. On all these grounds, the petitioner prayed for an order to transfer MC No.34/2025 pending before the Principal Senior Civil Judge Athani to the Senior Civil Judge Hukkeri.

3. The respondent appeared before this court through his counsel and filed objections to this petition and admitted the relationship between them and also he filing MC No.34/2025 before the Principal Senior Civil Judge, Athani. The respondent denied other petition averments. The respondent further contended that the respondent has got old aged father and mother to look after them. Hence, he can not attend the court at Hukkeri. Therefore, the respondent prayed for dismissal of the petition with costs.

4. I have heard the arguments.

5. The point that arise for my consideration is:

Whether the petitioner has made out grounds for transfer of MC No.34/2025 pending on the file of Principal Senior Civil Judge, Athani to Senior Civil Judge, Hukkeri?

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

REASONS

7. There is no dispute about the matrimonial relationship between the petitioner and the respondent. There is also no dispute that, from their wedlock, petitioner has given birth to a female child. It is also an undisputed fact subsequently,

matrimonial dispute arose between them, due to which petitioner started to stay in her parents house at Hukkeri. Thereafter, the respondent filed a petition before Principal Senior Civil Judge, Athani in MC No.34/2025 under Section 9 of the Hindu Marriage Act claiming decree for restitution of conjugal rights. Now for transfer of the said petition to the Hukkeri court, the petitioner has filed this petition.

8. According to the petitioner, Athani is about 100 km from her residence at Hukkeri and she has got minor daughter and she is finding it very difficult to attend the court Athani. In the cases like this, to decide as to which court is competent for adjudication of dispute between the husband and wife, it is convenient of the wife, which has to be given prominence. In this case, the wife i.e., petitioner is staying in her parents house with her minor daughter without any sufficient source of income. Under such circumstances, making her to travel to Athani to attend matrimonial dispute case may not be proper and justifiable. Therefore, I feel it is just and proper that MC No.34/2025 pending before the Principal Senior Civil Judge, Athani requires to be transferred to the Senior Civil Judge, Hukkeri. The respondent may not find difficult to attend the court at Hukkeri compare to

inconvenience of the petitioner. Therefore, it is just and proper to transfer MC No.34/2025 pending before the Principal Senior Civil Judge, Athani to the Senior Civil Judge, Hukkeri. 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.34/2025 pending on the file of Principal Senior Civil Judge, Athani is withdrawn and transferred to Senior Civil Judge, Hukkeri 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 **16th day of July 2026**)

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