

KAUK010014632022



**IN THE COURT OF THE PRL.DISTRICT & SESSIONS JUDGE,
UTTARA KANNADA, KARWAR.**

DATED THIS THE 30th DAY OF AUGUST -2023

MISC. CASE NO:136/2022

PRESENT:

Sri. D.S.Vijaya Kumar

B.Sc., LL.B.,

Prl. District and Sessions Judge,
Uttara Kannada, KARWAR.

PETITIONER:

Smt.Revati w/o Gajanan Naik,
Age 35 years,
r/o Kenchanamane, Post:Manki,
Ramnagar, Taluk:Honnvar. U.K.

(By.Smt.J.M.Mirashi, Advocate)

Vs.

RESPONDENT:

Gajanan Manjunath Naik,
Age 41 years,
R/o Garkumane, Konkankeri,
Shirali, Taluk: Bhatkal. U.K.,

(By.Sri. V.M.Kuvalekar, Advocate)

ORDERS

This petition is filed by the petitioner under Section 24 r/w 151 of CPC seeking for transfer of MC No.26/2022 which is pending before the Court of Senior Civil Judge, Bhatkal to the Court of Senior Civil Judge, Honnavar.

2. In the petition it is contended by the petitioner that the petitioner is legally wedded wife of the respondent, their marriage solemnized on 17-8-2016 at Shri.Laxmi Venkateshwar Math of Banale of Manki village, Honnavar and same was registered on 19-9-2016 before the Marriage Registrar, Honnavar. Out of their wedlock, they had a child by name Nithvik and now the age of the child is about three years three months. The petitioner along with her child residing with her aged parents at Manki, Taluk: Honnavar. The respondent filed divorce case in MC No.26/2022 before Senior Civil Judge, Bhatkal to save his skin from the clutches of law and harass the petitioner. The petitioner is not having any job and she is not having any source of income, hence it is very difficult for her to travel always from Honnavar to Bhatkal and to bear the expenses. The distance from Honnavar to Bhatkal is more than 40 K.ms. If the MC petition is transferred to Honnavar no injustice and inconvenience will be caused to the respondent. The respondent has got sound source of income and he can travel from Bhatkal to Honnavar. Hence, prayed to transfer the MC No.26/2022 pending before the Court of Senior Civil Judge, Bhatkal to the Court of Senior Civil Judge, Honnavar.

3. After filing this petition, notice was issued to the respondent. In response to the notice, the respondent appeared before the Court through his Advocate and filed objections

contending that application filed by the petitioner is not maintainable either on law or on facts and hence, the same is liable to be dismissed. The respondent admitted contents of para No.1, 2 and 3 of the petition and rest of the contentions of the petition of the petitioner are not admitted by the respondent. Further contended that the petitioner is residing at Manki village in Honnavar taluka which is almost at the center from Bhatkal Court and Honnavar Court and the distance is about 18 to 20 K.ms. The petitioner wants to get the petition transferred to Senior Civil Judge, Honnavar to harass the respondent and make him travel around 40 K.ms from Bhatkal to Honnavar Court. The petitioner expressing her intention to file the petition under Protection of Woman from Domestic Violence Act before Honnavar Court that too without there being any act of Domestic violence by the respondent. No inconvenience would be caused to the petitioner if the Matrimonial Case is continued to be tried before the Senior Civil Judge, Bhatkal as both Bhatkal Court and Honnavar Court are situated at almost equal distance from Manki where petitioner resides. Hence, prayed to dismiss the petition filed by the petitioner.

4. Heard arguments of learned counsel for the petitioner and respondent.

5. In the circumstances, following points arise for determination:

- 1) Whether the petitioner has made out a case to transfer MC No.26/2022 which is pending before the Court of Senior Civil Judge, Bhatkal to the Court of Senior Civil Judge, Honnavar?
- 2) What Order?

6. My finding to the above points are as under:

Point No.1: In the **Negative**.

Point No.2: As per final order,
for the following:

REASONS

7. **Point No.1**: The petitioner herein is the wife of the respondent. This is an admitted fact and in fact the respondent has filed MC No. 26/2022 on the file of the Prl. Civil Judge (Sn. Division) at Bhatkal seeking dissolution of their marriage. The petitioner has preferred this petition stating that she has a small child and the respondent has filed the aforesaid petition for divorce to save his skin from clutches of law and to harass her. On the said ground and further by alleging that she is now residing with her old parents at Manki village, Honnavar Taluk. She claims that the distance between Honnavar and Bhatkal is more than 40 kms and she does not have any source of income

and she cannot bear legal expenses and other expenses to appear before the Court at Bhatkal and therefore the above petition in MC No. 26/2022 filed before the Senior Civil Judge, Bhatkal should be transferred to the Court of Senior Civil Judge, Honnavar.

8. On the other hand it is the contention of the respondent that Manki village the petitioner is residing is at equi-distance from Bhatkal and Honnavar as the distance from Manki to Honnavar is about 18 to 20 kms and from Manki to Bhatkal is about 15-16 km and therefore the ground urged by the petitioner for transfer of the petition is ill founded. It is contended by the respondent that the petitioner is seeking transfer of the case to harass the respondent by making him to travel around 40 kms.

9. I have considered the rival contentions and arguments. As a matter of fact the petitioner is residing at Manki village which is at a distance of about 16 kms from Bhatkal and about 21 kms from Honnavar. Now MC No. 26/2022 filed by the respondent is pending before the learned Senior Civil Judge, Bhatkal. In the matters of this nature normally the convenience of the wife is taken into consideration. However, the distance between the place where the petitioner is residing at present and the place where the case is pending is almost equal distance

from Honnavar. The petitioner need not go to Honnavar from Manki to travel back to Bhatkal and she can travel from Manki village straight to Bhatkal where MC No. 26/2022 is pending. The distance between Manki and Honnavar and Manki and Bhatkal being almost equal, as there is no significant consequence the contention of the petitioner that it is causing inconvenience for her to travel to Bhatkal from Honnavar does not seem to be tenable contention. The respondent is residing at Bhatkal and if the case is transferred to Honnavar, he will have to travel about 40 kms to attend the case. Where as the place where the petitioner is residing at Manki is almost at equi distance from both Bhatkal and Honnavar. Hence, the question of the petitioner incurring extra expenditure or facing inconvenience seems to be incorrect. It is the contention of the respondent counsel that now as per the Government Scheme, recently introduced, travel anywhere within Karnataka for Women is free and therefore also the question of incurring any travel expenses by the petitioner does not arise. Irrespective of the said fact since the Manki village where the petitioner is residing is almost at equi-distance from Bhatkal and Honnavar and there does not seem to be any need for petitioner to go to Honnavar to travel to Bhatkal. The grounds urged in the petition seem to be not founded on sound reason. Hence, in the facts and circumstances, I am of opinion

that petitioner is not entitled to the relief sought for.
Consequently point No.1 is answered in Negative.

10. **Point No.2:** In view of my findings on point No.1,
I proceed to pass the following:

:ORDER:

The petition filed by the petitioner under
Section 24 r/w 151 of CPC is hereby rejected.

(Dictated to the Stenographer, transcribed by her, revised and corrected by me, signed and then pronounced in the Open Court
on this [the 30th Day of August-2023](#))