



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

CIVIL PETITION NO. 17 OF 2026

BETWEEN:

SMT. ANTHONIYAMMAL
W/O SURESH KUMAR,
D/O REBALMMANIKYAM,
AGED ABOUT 51 YEARS,
R/A MARIA MANGALAM,
THAMOYARAPALYAM POST,
KOLLEGAL TALUK
CHAMARAJANAGAR POST,
KOLLEGAL TALUK
CHAMARAJANAGAR DISTRICT

AND ALSO R/AT NO.4375,
11TH CROSS, ST. MARY'S ROAD,
N.R.MOHALLA, MYSORE - 570 007.

...PETITIONER

(BY SMT. SAVITHA S, ADVOCATE FOR
SRI. ASHOK PATIL, ADVOCATE)

AND:

SRI. SURESH KUMAR
S/O ANTHONAPPA
AGED ABOUT 40 YEARS,
RESIDING AT NO.28,
THERASAPURA, KUPPADODDI,





HELEGEHALLI,
KANAKAPURA TALUK AND DISTRICT

...RESPONDENT

(BY SRI. BASAVARAJU T.A, ADVOCATE)

THIS CIVIL PETITION FILED UNDER SEC. 24 OF THE CIVIL PROCEDURE CODE 1908 PRAYING TO WITHDRAW THE MC NO. 86/2024 PENDING ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, AT KANAKAPURA AND TRANSFER THE SAME TO THE COURT OF SENIOR CIVIL JUDGE AND CJM, MYSURU AND DISPOSE OFF THE MATTER IN ACCORDANCE WITH LAW, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL ORDER

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

2. This Civil Petition is filed by the petitioner/wife for transfer of MC.No.86/2024, filed by the



husband/respondent for divorce, from the Senior Civil Judge and JMFC at Kanakapura to the Court of Senior Civil Judge and CJM at Mysuru.

3. It is stated that the petitioner is residing in Mysuru along with her parents and is working as a teacher. She stated that the respondent is employed in the Indian Army and is residing at Delhi. She contends that it is difficult for her to travel to Kanakapura, which is at a distance of 96 kilometers.

4. In the objection filed by the learned counsel for the respondent, he contended that initially MC.No.50/2020 was filed by the husband for restitution of conjugal rights before the Senior Civil Judge and JMFC at Kanakapura and it was decreed in his favour on 28.05.2024 after four years. Even after waiting for two years, the petitioner did not join him. As such, he filed MC.No.86/2024 for dissolution of the marriage for non-compliance of the decree of restitution of conjugal rights.



5. It is submitted that the petitioner attended the proceedings before Kanakapura Court for four years and the respondent filed the chief affidavit and it is coming up for cross-examination. At this stage, she came up with a transfer application. The respondent further stated that there are a minimum number of cases in Kanakapura, and the matter can be disposed of at an early point of time. No doubt that the respondent is residing in Delhi and not in Kanakapura, but as he previously filed for restitution of conjugal rights before the same Court, he filed this application for divorce also before Kanakapura Court.

6. The petitioner stated that she is a teacher and could not get leave, and as such, she could not contact her counsel or lead her evidence in the restitution of conjugal rights. It was decreed in favour of her husband as she could not properly defend the case before Kanakapura Court. Now she is requesting for transfer of the same.



7. The petitioner is also having a son and he is pursuing his education. As the respondent is not residing in Kanakapura, this Court finds that it is just and reasonable to transfer the case from Senior Civil Judge and JMFC Court, Kanakapura to the Court of Senior Civil Judge and CJM, Mysuru.

8. The respondent is at liberty to file his chief affidavit and he can be cross-examined either through a commissioner or through video conferencing facility.

9. Senior Civil Judge and CJM, Mysuru is specifically directed not to insist upon the personal appearance of the respondent unless there is any requirement for the Court.

10. With these observations, the Civil Petition is ***allowed.***



11. In view of the disposal of the main petition,
IA.No.1/2026 is closed.

Sd/-
(P SREE SUDHA)
JUDGE

SHS
List No.: 1 Sl No.: 56