



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

CIVIL PETITION NO. 162 OF 2025

C/W

CIVIL PETITION NO. 160 OF 2025

IN CP No. 162/2025

BETWEEN:

1. SMT VANI RAIKAR
D/O LATE. BABU RAIKER
AGED ABOUT 39 YEARS
W/O SUBRAMANYA KINI
1ST MAIN, II CROSS
KONDAJJI ROAD, JALINAGAR
DAVANGERE-577 006.
2. SMT. SUMA PAI
W/O RAMAKRISHNA PAI
AGED ABOUT 42 YEARS
2164, NEAR S.V. TEMPLE MAIN ROAD,
KARKALA - 574 104.

...PETITIONERS

(BY SRI. SANTOSH R NELKUDURI., ADVOCATE)

AND:

SRI SUBRAMANYA KINI K
S/O LATE. ANNAPPA KINI
AGED ABOUT 44 YEARS





R/O NO 14/204,
NEW EXTENSION
MADIKERI TOWN
KODAGU DISTRICT - 571 201.

...RESPONDENT

(RESPONDENT SERVED)

THIS CP IS FILED UNDER SECTION 24 OF CPC, PRAYING TO WITHDRAW G AND WC NO.2/2025 ON THE FILE OF HONBLE PRINCIPAL JUDGE, FAMILY COURT AT MADIKERI KODAGU AND TRANSFER THE SAME TO THE COURT OF HONBLE FAMILY COURT, AT DAVANGERE FOR ADJUDICATION, IN THE INTEREST OF JUSTICE AND EQUITY.

IN CP NO. 160/2025

BETWEEN:

SMT VANI RAIKAR
D/O LATE. BABU RAIKER
AGED ABOUT 39 YEARS
W/O SUBRAMANYA KINI
1ST MAIN, II CROSS
KONDAJJI ROAD,
JALINAGAR
DAVANGERE-577 006.

...PETITIONER

(BY SRI. SANTOSH R NELKUDURI., ADVOCATE)



NC: 2026:KHC:11439
CP No. 162 of 2025
C/W CP No. 160 of 2025

AND:

SRI SUBRAMANYA KINI K
S/O LATE. ANNAPPA KINI
AGED ABOUT 44 YEARS
R/O NO 14/204,
NEW EXTENSION
MADIKERI TOWN
KODAGU DISTRICT - 571 201.

...RESPONDENT

(SMT. MAITHRY KINI. K., ADVOCATE)

THIS CIVIL PETITION IS FILED UNDER SECTION 24
OF THE CIVIL PROCEDURE CODE, 1908 PRAYING TO
WITHDRAW MC.NO.24/2025 ON THE FILE OF THE HONBLE
PRL. JUDGE FAMILY COURT AT MADIKERI - KODAGU AND
TRANSFER THE SAME TO THE COURT OF HONBLE FAMILY
COURT AT DAVANAGERE FOR ADJUDICATION, IN THE
INTEREST OF JUSTICE AND EQUITY.

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



NC: 2026:KHC:11439
CP No. 162 of 2025
C/W CP No. 160 of 2025

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL ORDER

C.P.No.162/2025 is filed by the petitioner-wife for transfer of G & W.C.No.2/2025 filed by the respondent-husband before the Principal Judge Family Court, Madikeri - Kodagu to the Family Court, Davanagere. The petitioner-wife also filed C.P.No.160/2025 for transfer of M.C.No.24/2025 filed by the respondent-husband for restitution of conjugal rights before the Principal Judge Family Court, Madikeri - Kodagu to the Family Court, Davanagere.

2. Heard the arguments of learned counsels for both parties.

3. Learned counsel for the petitioner - wife submits that the petitioner - wife is residing with her parents and three minor children in Davanagere and the distance from Davanagere to Madikeri is more than 300 kilometers. Learned counsel has relied upon the decision of the Hon'ble Apex Court in the case of **N.C.V.AISHWARYA Vs. A.S.SARAVANA KARTHIK SHA** in Civil Appeal No(s).4894/2022. Paragraph No.9 of the said decision reads as under:



"9. The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the pleas of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Give the prevailing socio-economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer."

4. Learned counsel of the respondent has filed statement of objections along with the medical certificate to show that the respondent is suffering from spinal cord problem, as such he cannot travel long distance. It is further stated that he is running a private bus and residing in Madikari. In fact he is willing to take back his wife and children as such he filed both the cases.

5. In these cases, the petitioner - wife is taking care of three children aged about 9 years, 6 years and 4 years



respectively and it is inconvenient for her to travel all the way either by leaving the children with her parents or to take them to Court at Madiker - Kodagu. The fact that the respondent is suffering from spinal cord problem is also admitted by the wife in her reply notice.

6. Considering the reasons stated by the learned counsel for the petitioner, this Court finds it is just and reasonable to transfer both the matters to the Family Court, Davanagere with a specific direction to the Court that the respondent is at liberty to file chief affidavit, he can be cross examined either through Commissioner or through video conferencing and his presence may not be insisted by the Court unless there is any requirement.

With the above directions, the following:

ORDER

- i) Both petitions are ***allowed.***
- ii) G & W.C.No.2/2025 and M.C.No.24/2025 filed by the respondent-husband before the Principal Judge Family Court,



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Madikeri - Kodagu is transferred to the Family
Court, Davanagere.

Sd/-
(P SREE SUDHA)
JUDGE

PHM
List No.: 1 Sl No.: 42