



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 9TH DAY OF APRIL, 2026
BEFORE
THE HON'BLE MRS JUSTICE GEETHA K.B.
CIVIL PETITION NO. 100028 OF 2026 (-)

BETWEEN

1. KAMALA W/O. BASANAGOUDA PATIL,
AGE: 71 YEARS, OCCUP: HOUSEHOLD,
R/O. #175, CITB COLONY, JAYANAGAR,
DHARWAD-580007.
2. SIDDARAMANAGOUDA
S/O. BASANAGOUDA PATIL,
AGE: 48 YEARS, OCCUP: AGRICULTURE,
R/O. #175, CITB COLONY, JAYANAGAR,
DHARWAD-580007.

...PETITIONERS

(BY SRI. N.H. PATIL, ADVOCATE)

AND

PARVATAGOUDA
S/O. MALLIKARJUNAGOUDA PATIL,
AGE: 40 YEARS, OCCUP: AGRICULTURE,
R/O. HULLUR VILLAGE, TQ: RON,
DIST: GADAG-582209.

...RESPONDENT

(NOTICE TO RESPONDENT HELD SUFFICIENT)

THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF CODE OF CIVIL PROCEDURE, 1908 PRAYING TO ALLOW THE PETITION AND TRANSFER O.S. NO.15/2024 PENDING ON THE FILES OF SENIOR CIVIL JUDGE AT RON TO II ADDITIONAL SENIOR CIVIL JUDGE AT DHARWAD; PETITIONER BE PERMITTED TO AMEND THE PETITION AS AND WHEN NECESSARY AND ETC.





THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDER ON 02.04.2026 AND COMING ON FOR PRONOUNCEMENT OF ORDER THIS DAY, MADE THE FOLLOWING:

CORAM: THE HON'BLE MRS JUSTICE GEETHA K.B.

CAV ORDER

Petitioners have filed this petition under Section 24 Code of Civil Procedure,1908(for short 'CPC') praying for transfer of OS No.15/2024 from Senior Civil Judge, Ron to II Additional Senior Civil Judge, Dharwad and for such other reliefs.

2. The case of petitioners in nut shell is that there are two alleged Wills executed by one Basanagouda Parvatagouda Patil dated 27.01.2020 and 20.06.2020. Respondent No.1 has filed OS No.15/2024 on the file of II Addl. Senior Civil Judge Ron praying for the relief of declaration based on the alleged Will dated 20.06.2020. Petitioners have filed OS No.377/2025 and the file of II Addl. Senior Civil Judge, Dharwad against one Andanagouda S/o Sangnagouda Police Patil and respondent No.1 is



seeking relief of declaration and injunction in respect of both the alleged wills dated 27.01.2020 and 20.06.2020 respectively.

3. Petitioners have appeared in OS No.15/2024 and filed their written statement and evidence is commenced in that suit and it is pending for adjudication. Now, it is posted for cross-examination. Both the suits are filed in respect of alleged two Wills executed by one Basanagouda Paratagouda Patil. Petitioners have prayed for declaration in respect of the properties that those two wills were not executed by the said Basanagouda Parvatagouda Patil. Petitioner No.1 is old aged woman suffering from old aged ailments. Alleged two wills were executed and registered at Dharwad and attesting witnesses to both the Wills and parties to all three suits are residents of Dharwad. Hence, prayed for allowing the petition.

4. After service of notice of this petition, respondent became absent.



5. Heard arguments of learned counsel for petitioners.

6. From the above facts, the point that arises for consideration of this Court is:

"Whether transfer of OS No.15/2024 from Senior Civil Judge Ron to II Addl. Senior Civil Judge, Dharwad, to II Addl. Senior Civil Judge, Dharwad where OS No.377/2025 is pending?"

7. The finding of this Court on the above point is in the **affirmative** for the following reasons:-

The petitioner No.1 is old aged lady of 71 years as per the petition averments. OS No.15/2024 is filed by respondent against petitioners praying for declaration of his title over the properties of said suit, alleging that this Basanagouda Parvatagouda Patil has executed the Will and bequeathed his properties in favour of plaintiff and Will and the Will dated 20.06.2020 as a registered Will. Admittedly



the Will was registered before Sub-Registrar, Dharwad. The present petitioners are residents of Dharwad. Suit schedule properties in OS No.15/2024 are situated within the jurisdiction of Ron Taluk. Thus, both Courts of Ron and Dharwad are having jurisdiction to try the suit OS No.15/2024. Furthermore, plaintiff has filed OS No.377/2025 in respect of the properties situated at Dharwad and also at Ron.

8. As per the pleadings in the petition, attestors to the Will are residents of Dharwad. Furthermore, petition No.1 is aged lady. Considering all these aspects, if OS No.15/2024 is withdrawn from Senior Civil Judge, Ron Court and transferred to II Addl. Senior Civil Judge, Dharwad, no hardship will be caused to respondent. Furthermore, even after service of notice, respondent has not appeared and not contested this petition. Hence, for the above reasons this Court holds that withdrawal of OS No.15/2024 from Senior Civil Judge, Ron and transfer to the II Addl. Senior Civil Judge, Dharwad is necessary. Accordingly, the point



under consideration is answered in the **affirmative** and this Court proceeds to pass the following:-

ORDER

Petition filed under Section 24 CPC is allowed.

OS No.15/2024 pending on the file of Senior Civil Judge, Ron is withdrawn and transferred to II Addl. Senior Civil Judge, Dharwad, where OS No.377/2025 is pending.

Sd/-
(GEETHA K.B.)
JUDGE

HMB
CT-MCK
List No.: 1 Sl No.: 2