



IN THE HIGH COURT OF KARNATAKA

DHARWAD BENCH

DATED THIS THE 20TH DAY OF AUGUST, 2025

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CIVIL PETITION NO. 100079 OF 2025

BETWEEN:

SMT. SHIVALEELA W/O. KALLAPPA CHANDAKI
AGE: 37 YEARS, OCC: HOUSEHOLD WORK,
R/O. BURLATTI
TQ: ATHANI, DIST: BELAGAVI
CURRENTLY RESIDING AT
C/O. SADASHIVA SANGAPPA APPANNAVAR
MAIGUR, TQ. JAMAKHANDI,
DIST. BAGALKOT-587119.

...PETITIONER

(BY SRI SHRIKANT K. DESHPANDE, ADVOCATE.)

AND:

SHRI KALLAPPA S/O. HANMANT CHANDAKI
AGE: 45 YEARS, OCC: AGRICULTURE,
R/O. BURLATTI
TQ. ATHANI, DIST. BELAGAVI-591304.

...RESPONDENT

(BY SRI S.S.GULAPPAVAR, ADVOCATE.)

THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF THE CIVIL PROCEDURE CODE, 1908, PRAYING TO WITHDRAW AND TRANSFER M.C.NO.67/2022, PENDING ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE, ATHANI, TO THE COURT OF THE PRINCIPAL SENIOR CIVIL JUDGE, JAMAKHANDI, IN THE INTEREST OF JUSTICE AND EQUITY.

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



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE G BASAVARAJA)

Heard the arguments of learned counsels appearing for both the sides.

2. The petitioner has filed this petition under section 24 of the Civil Procedure Code, 1908, praying to transfer the case M.C.No.67/2022, pending on the file of Principal Senior Civil Judge, Athani, to the Court of Principal Senior Civil Judge, Jamakhandi, on the following grounds.

11. It is submitted that the transfer sought for in the instant petition is just and very much necessary in the present scenario.

12. The petitioner and her children are now residing at Maigur, Tg: Jamakandi, Dist: Bagalkot at her paternal house along with her parents.

13. Now it is extremely difficult for the petitioner to travel from Maigur, Tq:Jamakandi, Dist: Bagalkot to Athani for every Court hearing and that distance between Maigur to Athani is approximately 50 KM making frequent travel burdensome.



14. *As the petitioner residing in Maigur, Tq: Jamakandi, Dist: Bagalkot, it is difficult for her to undertake long-distance travel alone, which further adds to her mental agony and distress. As financial constraints as the petitioner has no independent source of income.*

15. *Now, due to the change in circumstances and the financial difficulties coupled with other difficulties, the petitioner is not in a position to travel to Tq: Athani, Dist: Belagavi, to attend the Court proceedings and also her aged and suffering parents are not in a position to travel along with her.*

16. *That it is well settled by the Hon'ble Supreme Court and various High Courts that the convenience of the wife is a primary consideration in matrimonial disputes. The Hon'ble Supreme Court in Sumita Singh V. Kumar Sanjay & anr. [(2001) 10 SCC 41] held that the wife's convenience must be given paramount importance in matrimonial proceedings. Similarly, in Mona Aresh Goel V. Aresh Satya Goel [(2000) 9 SCC 255], the Hon'ble Court transferred the case based on the wife's difficulties in attending proceedings.*

17. *If the case continues in Athani, the petitioner will suffer irreparable hardship and prejudice, whereas no inconvenience will be caused to the respondent herein if the case is transferred to Jamakandi.*

3. The respondent appeared through his counsel and the counsel for respondent has produced a memo



along with copy of documents i.e., the certified copy of the order sheet pertaining to Crl.Misc.No.348/2022, on the file of Principal Senior Civil Judge and JMFC, Athani and copy of the order sheet pertaining to O.S.No.211/2022 filed by the petitioner and her children, pending on the file of Principal Senior Civil Judge, Athani. By producing these documents, the learned counsel for respondent would submit that the petitioner herself has filed a maintenance petition and suit for partition before the Athani Court. The petitioner cannot seek transfer of only M.C. case filed by the respondent before Athani Court. Hence, he sought for rejection of this petition.

4. In reply, learned counsel for petitioner would submit that in the certified copy of the order sheet produced by the respondent pertaining to Crl.Misc.No.348/2022, the order dated 05.08.2024 shows that the I Additional Senior Civil Judge, Athani, has passed an order of interim maintenance of Rs.1,500/- each. The respondent has failed to comply this interim order. That is



why the Athani Court has issued FLW against this respondent that there is arrears of nearly two lakh rupees. Hence the petitioner is unable to bear the litigation expenses. On all these grounds, sought for allowing this petition.

5. Learned counsel for respondent would submit that the respondent has paid an amount of Rs.7,000/- only and he has admitted that there is an arrears of maintenance. A perusal of the order sheet pertaining to Crl.Misc.No.348/2022 is clear that the I Additional Senior Civil Judge and JMFC, Athani, passed an interim order to pay an amount of Rs.1,500/- each to petitioner No.1 and other petitioners. This petition is filed on 15.07.2022. If the respondent has paid this interim maintenance amount as per the order of the Athani Court, this Court would have accepted the arguments advanced on behalf of the respondent. Since the respondent has failed to comply with the order of the Athani Court, it is difficult to bear the litigation expenses by the petitioner. Hence, for non



compliance of order of Athani Court in Crl.Misc.No.348/2022 and also for the grounds urged in the petition, I am of the view that it is just and proper to allow this petition. Hence, I proceed to pass the following:

ORDER

- i) The petition filed under section 24 of CPC is allowed.
- ii) M.C.No.67/2022, pending on the file of Principal Senior Civil Judge, Athani, shall be transferred to the Court of Principal Senior Civil Judge, Jamakhandi, for disposal in accordance with law.
- iii) Registry to send a copy of this order to the respondent/husband through RPAD.
- iv) Registry to send a copy of this order to both the Courts for taking necessary action.

Sd/-
(G BASAVARAJA)
JUDGE