

**IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH**

**DATED THIS THE 25<sup>th</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI**

**CIVIL PETITION NO. 100212 OF 2025**

BETWEEN:

SMT. POOJA @ VIJAYLAXMI  
W/O. VEERAYYA HIREMATH,  
AGE: 34 YEARS, OCC: HOUSEHOLD,  
NOW R/O: MANGALURU, TQ: BADAMI,  
DIST: BAGALKOTE – 587 021.

...PETITIONER

(BY SRI VIJAYENDRA BHIMAKKANAVAR, ADVOCATE)

AND:

VEERAYYA S/O. HALAYYA HIREMATH,  
AGE: 45 YEARS, OCC: AGRICULTURE,  
R/O: MELMATH, TQ: RON,  
DIST: GADAG – 582 209.

...RESPONDENT

(BY SRI IRANAGOUDA K. KABBUR, ADVOCATE)

THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF THE CODE OF CIVIL PROCEDURE, PRAYING TO WHEREFORE, THE PETITION BEARING M.C.NO.12/2025 FILED BY THE RESPONDENT / HUSBAND (PURSUANT TO ANNEXURE-C AND D) PENDING BEFORE THE COURT OF SENIOR CIVIL JUDGE AND JMFC, RON MAY KINDLY BE WITHDRAWN FROM ITS FILE AND THE SAME MAY BE TRANSFERRED TO THE COURT OF PRL. CIVIL JUDGE AND JMFC, BADAMI, WHEREIN CRL.MISC.NO.144/2025 (PURSUANT TO ANNEXURE-A AND B) FILED BY THE PETITIONER/WIFE IS PENDING CONSIDERATION AND SO ALSO SINCE WITHIN THE JURISDICTION OF THE SAID COURT WHERE THE PETITIONER / WIFE PRESENTLY RESIDES, IN THE JUSTICE AND EQUITY.

THIS PETITION COMING ON FOR FURTHER HEARING, HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 19.06.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE B. MURALIDHARA PAI

**CAV ORDER**

The Petitioner herein namely Smt.Pooja @ Vijaylaxmi is the wife of the Respondent - Sri Veerayya. She has maintained this petition under Section 24 of the Code of Civil Procedure, 1908 (for short, 'CPC') praying to transfer the petition in M.C.No.12/2025 filed by the respondent pending before the Court of learned Senior Civil Judge and JMFC., Ron to the Court of learned Principal Civil Judge and JMFC., Badami, wherein Crl.Misc.No.144/2025 filed by her is pending for consideration.

2. The case of the petitioner is that because of the harassment meted out by the respondent and his family members, presently she is residing with her parents in Mangaluru of Badami Taluk. She stated that she never had a job either before the marriage or later and that she has no independent source of income. She submitted that the distance between Ron and Badami is 68 kms., up and

down. In these circumstances, she has sought to allow the appeal and transfer the petition filed by the respondent to the Court at Badami.

3. During the course of argument, learned Counsel for Petitioner filed a memo dated 17.06.2026 stating that the Court of learned Senior Civil Judge and JMFC., Badami has the jurisdiction to entertain the petition in M.C.No.12/2025 filed by the respondent and prayed to pass an order accordingly.

4. On service of the notice, the respondent appeared before the Court through his Counsel and opposed the petition by filing his objection. The main contention of the respondent is that the present place of residence of the petitioner is at almost same distance from the Court at Ron and Court at Badami and as such no additional hardship or inconvenience would be caused to the petitioner if the proceeding of her petition is continued before the Court at Ron.

5. Sri Iranagouda K. Kabbur, learned Counsel for the Respondent, relied on the decision in **Anindita Das Vs**

**Srijit Das, (2006) 9 SCC 197** and submitted now the Courts are required to consider each petition for transfer on its merits without showing any leniency to ladies. Further, he relying on decision in **Preeti Sharma Vs Manjit Sharma, (2005) 11 SCC 535**, submitted that merely because the petitioner is a lady, it does not mean she cannot travel. He also relied on the decision in **Sujata Vs Abhishek Kulhare, (2019) SCC Online MP 6795**, to contend that convenience and the distance alone is not the criteria for showing leniency in favour of the applicant. He vehemently submitted that the petitioner has not assigned valid reason or made out any hardship to transfer her petition from the Court at Ron to the Court at Badami. Hence, he prayed for dismissal of the petition.

6. Per contra, Sri Vijayendra Bhimakkanavar, learned Counsel for the Petitioner, vigorously submitted that the Petitioner is entirely dependent on her aged parents and the brother, who is working at Vijayapura and she has no independent source of income. He submitted that in the above circumstances, it would cause great

hardship to the Petitioner if she is made to travel to different places to prosecute or defend the cases. In view of the same, he prays to allow the petition.

7. Admittedly, the Respondent has maintained a petition in M.C. No.12/2025 against the Petitioner, seeking for divorce by invoking Section 13(1)(ib) and Section 13(1)(ia) of the Hindu Marriage Act, 1955 and the same is pending before the Court of learned Senior Civil Judge and JMFC., Ron. The Petitioner has maintained a petition in Crl. Misc. No.144/2025 against the respondent and others under Section 144 of the Bharatiya Nagarika Suraksha Sanhita, 2023 praying for several reliefs including monthly maintenance of Rs.25,000/-. The said petition is pending before the Court of learned Principal Civil Judge and JMFC, Badami.

8. It is the definite case of the Petitioner that she has no independent source of income and she is entirely depending upon her aged parents and the brother working in Vijayapura and other relatives. The Respondent has not disputed this contention of the petitioner. Further, it is not

the case of the Respondent that he is either paying any amount towards maintenance of the Petitioner or bearing her other expenses including litigation expenses.

9. The Petitioner contends that the distance between Ron and Badami is 68 kms., up and down and considering her lack of independent income, the petition pending before the Court at Ron be transferred to the Court at Badami. The Respondent contends that the present place of residence of the petitioner i.e. Mangaluru in Badami Taluk is almost at same distance from the Courts at Ron and Badami. As such, he submits that no hardship would be caused to the petitioner by refusing her prayer for transfer of the case from Ron to Badami. The Petitioner has not seriously disputed the above contention of the Respondent.

10. In the considered view of this Court, mere distance between the place of the residence and the courts or the inconvenience of travelling is not sufficient to decide a transfer petition. If two petitions between the same parties are tried before different courts and at different

places, naturally parties have to bear more expenses apart from traveling to such places. The parties may have to engage different counsel to prosecute/defend their cases. If we take into consideration the undisputed financial condition of the Petitioner and no financial support from the respondent, definitely, it would be disadvantageous to the Petitioner in prosecuting or defending her case at two different places. In view of the same, this Court holds that the petitioner has made out valid ground to transfer the petition in M.C. No.12/2025 from the Court at Ron to the Court at Badami.

11. While exercising the general power of transfer and withdrawal, the court is required to bestow its attention to transfer any suit or other proceedings to a court competent to try or dispose of the same. In the petition, the prayer is made to transfer M.C. No.12/2025 to the Court of learned Principal Civil Judge and JMFC., Badami. Undisputedly, the said court has no jurisdiction to try the petition filed for divorce. As such, considering the memo dated 17.06.2026 filed by the Petitioner, this Court

holds that it would be proper to transfer the petition in M.C. No.12/2025 to the Court of learned Senior Civil Judge and JMFC., Badami, having regard to its competence to try and dispose of the matter.

12. In the result, this Court proceeds to pass the following:

**ORDER**

- (i) The civil petition is ***allowed***.
- (ii) The proceeding in M.C. No.12/2025 pending on the file of the learned Senior Civil Judge and JMFC., Ron is withdrawn and transferred to the Court of the learned Senior Civil Judge and JMFC., Badami, for its disposal in accordance with law.
- (iii) The parties are directed to appear before the Court of learned Senior Civil Judge and JMFC., Badami, on 24.07.2026 at 11.00 a.m., to take notice of further proceedings in the divorce petition filed by the Respondent.
- (iv) Office is directed to communicate this order to the concerned Courts, forthwith.

**Sd/-  
(B. MURALIDHARA PAI)**

RH/ KMS  
CT: ASC