



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

CIVIL PETITION NO. 200063 OF 2023 (RES)

BETWEEN:

SMT. AARATI
W/O SARANABASAPPA YAMPALLI,
AGE: 35 YEARS, OCC: UNEMPLOYED
R/O. ITAGA VILLAGE, TQ: CHITGUPPA
DIST: BIDAR-585401

...PETITIONER

(BY SRI SANGANABASAVA B PATIL, ADVOCATE)

AND:

SRI SARANABASAPPA
S/O AMRUTHRAO YAMPALLI,
AGE: 36 YEARS, OCC: UNEMPLOYED
RESIDENT OF PLOT NO.132 CIB COLONY
BEHIND CENTRAL BUS STAND
KALABURAGI-585101.

...RESPONDENT

THIS CIVIL PETITION IS FILED U/SEC.24 OF CPC,
PRAYING TO TRANSFER OF THE CASE IN MC NO.73/2023





PENDING BEFORE THE COURT OF THE PRL. JUDGE, FAMILY COURT, KALABURAGI, TO THE Court OF THE ADDL. CIVIL JUDGE AND JMFC, HUMNABAD.

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

CORAM: HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

ORAL ORDER

In spite of order for issuance of notice to the respondent by paper-publication, the learned counsel for the appellant has not complied with the said order and again he prays for time.

2. As per the materials on record, it is clear that present petition is filed under Section 24 of CPC, praying for an order for transfer the case in MC No.73/2023 pending on the file of the Principal Judge, Family Court, Kalaburagi, to the Court of the Additional Civil Judge and JMFC, Humnabad.



3. The petition in MC No.73/2023 is filed by the respondent/husband against the petitioner under Section 9 of the Hindu Marriage Act and as per the order-sheet produced by the petitioner, the said petition was posted on 18.04.2023 and the matter was referred to mediation for settlement. Thereafter the case was adjourned to 22.06.2023 awaiting mediation report. Subsequently, on 08.08.2023 the present petition is filed. But in spite of order for notice, the petitioner has failed to take steps for issuance of notice to the respondent. The petition has been pending for the period of 2 ½ years.

4. Further, the above said MC petition is pending before the Family Court, Kalaburagi and the petition is sought to be transferred to the Court of Addl. Civil Judge and JMFC, Humnabad. But, the Addl. Civil Judge and JMFC, Humnabad has no jurisdiction to



entertain the petition under Hindu Marriage Act for the relief of restitution of conjugal rights.

5. Further, Humnabad is at the distance of about 65 k.m., from Kalaburagi. As per the cause-title of the petition, the petitioner is aged 35 years and she is doing private work. Hence, there is absolutely no ground made out by the petitioner to show that if the said MC petition is pending before Family Court, Kalaburagi, she will be put any inconvenience or hardship. Therefore, there is absolutely no ground made out by the petitioner to allow the petition and hence, this petition is liable to be dismissed.

6. In the result, this petition is hereby dismissed.

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE

SBS
List No.: 1 Sl No.: 5