

**CP NO.100050 of 2025**

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

**DATED THIS THE 9<sup>th</sup> DAY OF MARCH 2026**

**BEFORE**

**THE HON'BLE MRS JUSTICE GEETHA K.B.**

**CIVIL PETITION NO.100050 OF 2025**

**BETWEEN**

SMT. RATNAMMA @ POOJA  
W/O. SHANKARAPPA HUGAR,  
AGE: 41 YEARS, R/O. KADADI VILLAGE,  
BALAGANUR POST, TQ/DIST: GADAG-582102.

...PETITIONER

(BY SRI. G.N. NARASAMMANAVAR, ADVOCATE)

**AND**

SHANKARAPPA A. HUGAR,  
AGE: 48 YEARS, OCC: GOVT. SCHOOL TEACHER,  
R/O. GROUND FLOOR, 3<sup>RD</sup> CROSS,  
GANDHI NAGAR, HOSAHALLI,  
MANDYA CITY-571401,

PRESENTLY WORKING AS DRAWING TEACHER,  
AT GOVERNMENT HIGH SCHOOL,  
MUDAGANDUR, MANDYA TALUK AND DISTRICT.

...RESPONDENT

(BY SRI. ANAND BAGEWADI, ADVOCATE FOR  
SRI. H.N. GULARADDI, ADVOCATE)

THIS CIVIL PETITION FILED UNDER SECTION 24 READ WITH SECTION 151 OF CPC, PRAYING TO WITHDRAW THE M.C.NO.227/2024 ON THE FILE OF PRL. SENIOR CIVIL JUDGE AND CJM MANDYA AND TRANSFER THE SAME TO THE FAMILY COURT GADAG WHICH IS COMPETENT TO DISPOSE OF THE CASE AND GRANT SUCH OTHER RELIEFS, IN THE INTEREST OF JUSTICE AND EQUITY.

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THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 05.03.2026 AND COMING ON FOR PRONOUNCEMENT OF ORDER THIS DAY, MADE THE FOLLOWING:

**CAV ORDER**

(PER: THE HON'BLE MRS JUSTICE GEETHA K.B.)

**1.** The petitioner has filed this petition under Section 24 read with Section 151 of the Civil Procedure Code (for short 'CPC'), praying for withdrawal of M.C. No. 227/2024 pending on the file of the Principal Senior Civil Judge and CJM, Mandya, and to transfer the same to the Family Court, Gadag.

**2.** It is stated in the petition that the petitioner and the respondent were married on 25.04.2012 at Kotekalla Sree Holehuccheshwara Samsthan Matha, Badami Taluk, Bagalkote District. After the marriage, they stayed in a rented house at Keragodu. The petitioner has further narrated the facts of the case in detail.

**3.** It is further stated that M.C. No. 227/2024 was filed by the respondent against the petitioner before the Principal Senior Civil Judge and CJM, Mandya, seeking a decree of divorce. Thereafter, the petitioner received notice of the said petition. The

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petitioner contends that she cannot attend the Court at Mandya due to financial difficulties, severe ill health, and apprehension of threat to her life. Hence, she has prayed for transfer of the case from the Court of the Principal Senior Civil Judge and CJM, Mandya, to the Family Court, Gadag.

**4.** The petitioner has further stated that she apprehends danger to her life if she attends the Court at Mandya, as she fears assault from the respondent and his family members. According to the petitioner, the respondent has muscle power and money power. It is also stated that the distance between Kadadi Village, Balaganur Post, Gadag Taluk, where the petitioner resides, and Mandya is more than 400 kilometres. Hence, she has prayed for allowing the petition.

**5.** Learned counsel for the respondent has not advanced arguments even after giving sufficient opportunity. However, it is contended that the respondent is a government servant working as government teacher at Mandya and, therefore, it would be difficult for him to attend the Court at Gadag. Hence, the respondent has prayed for dismissal of the petition.

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**6.** Having heard the submissions of both sides and upon perusal of the records placed before the Court, the following point arises for consideration:

*"Whether transfer of the petition from the Court of the Principal Senior Civil Judge and CJM, Mandya to the Family Court, Gadag is required?"*

**7.** The finding on the above point is in the **affirmative**, for the following reasons.

**8.** It is an admitted fact that the petitioner and respondent are wife and husband and that their marriage took place in the year 2012. The respondent has filed the M.C. petition under Sections 13(1)(i-a) and 13(1)(i-b) of the Hindu Marriage Act, 1955 seeking decree of divorce on the grounds of cruelty and desertion.

**9.** In the M.C. petition, it is stated that since 2013 onwards both the petitioner and respondent have not been on cordial terms and the respondent had issued legal notice in the year 2013. It is further stated that during the year 2014 the present petitioner left the matrimonial home. In this regard, the

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respondent had earlier filed M.C. No. 73/2014 and the said petition was transferred to the Family Court, Gadag, as per the order passed in C.P. No. 100010/2015. At that time, during the intervention of family members, the petitioner withdrew the said petition.

**10.** Thereafter, there were series of petitions between the petitioner and the respondent, including petitions for restitution of conjugal rights, maintenance proceedings and revision petition before this Court.

**11.** The above facts narrated in the petition filed by the respondent under Sections 13(1)(i-a) and 13(1)(i-b) of the Hindu Marriage Act, 1955 clearly indicate that the parties have been litigating since 2013 onwards. All the petitions were litigated before the Family Court, Gadag. Even though the present respondent has filed the M.C. petition for divorce before the Court at Mandya, the earlier proceedings were transferred to Gadag as per the order of the Co-ordinate Bench of this Court.

**12.** The petitioner has clearly and categorically stated in her petition that it is very difficult for her to travel to Mandya on each and every hearing as the distance between her village and

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Mandya is more than 400 kilometres. She has also expressed apprehension regarding threat to her life if she attends the Court at Mandya.

**13.** Even though sufficient opportunity was given to the respondent, he has not filed any objections. As the respondent himself contends that he is a government employee, it would not be difficult for him to attend the Court at Gadag, which he had already attended in the previous proceedings.

**14.** For the above reasons, this Court is of the opinion that transfer of the present petition is necessary in the interest of justice. Accordingly, the point under consideration is answered in the affirmative and this Court proceeds to pass the following:

**ORDER**

- i) The petition filed under Section 24 of CPC is hereby allowed.
- ii) M.C. No. 227/2024 pending on the file of the Principal Senior Civil Judge and CJM, Mandya, is withdrawn and transferred to the Family Court, Gadag.

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- iii) The parties are hereby directed to appear before the Family Court, Gadag on 09.04.2026 without awaiting further court notice.
  
- iv) The parties are further directed to co-operate with the Court for early disposal of the case before the Family Court, Gadag.

**Sd/-  
(GEETHA K.B.)  
JUDGE**

VB  
CT-MCK