IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 3RD DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

CIVIL PETITION NO.100088 OF 2026

BETWEEN:

SMT. MONIKA,
W/O. ABHILASH J.,
D/O. ARUNKUMAR,
AGE: 28 YEARS, OCC: HOUSEWIFE,
R/O: H NO.122, WARD NO.16,
OPP PANDURANGA SWAMY TEMPLE,
SREERAMAPURAM COLONY,
BELLARY – 583 101.

…PETITIONER

(BY SRI SANTOSHKUMAR G. RAMPUR, ADVOCATE)

AND:

SRI. ABHILASH J.,
S/O. JAVARAIH M.,
AGE: 32 YEARS,
R/O: APARANJI NILAYA, 4TH STAGE,
KALYANA NAGAR,
CHIKKAMAGALURU – 580 073.

…RESPONDENT

(BY SRI SHIVARAMU H.C., ADVOCATE FOR SRI MAHESH WODEYAR, ADVOCATE)

Digitally signed by SAMREEN AYUB DESHNUR
Location: High Court of Karnataka, Dharwad Bench

THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF CIVIL PROCEDURE CODE, PRAYING TO TRANSFER THE M.C.NO.14/2026 ON THE FILE OF PRL. JUDGE, FAMILY COURT, CHIKKAMAGALURU TO PRINCIPAL JUDGE, FAMILY COURT, BALLARI IN THE INTEREST OF JUSTICE.

THIS PETITION COMING ON FOR ADMISSION, HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 22.06.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

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

CAV ORDER

The Petitioner, who is the wife of the Respondent, has maintained this petition under Section 24 of CPC praying to transfer the case in M.C.No.14/2026 pending on the file of learned Principal Judge Family Court, Chikamalaguru to the Court of learned Principal Family Court Bellary.

2. The Petitioner has maintained this petition seeking for transfer of the case on the ground that she is a home maker and she has no source of income. She claims that she is residing with her parents at Bellary and the distance between Bellary and Chikkamagaluru is more than 283 kms. Hence, she contends that it is very difficult for her to travel such a distance on every date of hearing. In the above circumstances, she prays to allow the petition and to transfer the case pending before the Family Court at Chikkamagaluru to the Family Court at Bellary.

3. On service of the notice, the respondent appeared before the Court through his counsel but he did not file any objection.

4. During the course of argument, learned Counsel for the Respondent vehemently submitted that if the case in M.C.No.14/2026 is transfered from the Family Court at Chiakkamagaluru to Family Court at Bellary, he has to travel a distance of 280 kms and it will cause great inconvenience to him. In view of the same, learned Counsel for the Respondent prayed to transfer the case to any other competent Court situated at equal or convenient distance for both the parties. In support of this contention, learned Counsel for the Respondent relied on a decision in **Smt. Meenakshamma and others Vs Smt. Laxmi and others** (NC:2026:KHC-D:6149) and submitted that in similar circumstances, this Hon'ble Court exercised its discretion and ordered for transfer of a case pending before the Court at Ramanagar to the Court at Davanagere, instead of the Court at Navalagund as prayed in the said petition.

5. Per contra, learned Counsel for the Petitioner vehemently submitted that the prayer of the respondent to transfer the case to some other court cannot be entertained as the question of transfer of the case needs to be considered in the backdrop of the jurisdiction of concerned court to try and dispose of the matter.

6. Section 24 of CPC stipulates the general power of the High Court or the District Court of withdrawal and transfer of any suit, appeal or other proceedings pending before it or any court subordinate to it, for its trial or disposal. The said provision empowers transfer of any suit, appeal or other proceedings to any court subordinate to it, and which is competent to try or dispose of the same. Thus, it becomes clear that while exercising the power of transfer under Section 24 of CPC, the High Court or the District Court is required to see whether the transferee court is a court subordinate to it and whether it is competent to try or dispose of the suit, appeal or other proceedings under transfer.

7. In the present case, the Respondent has not disputed the financial condition of the petitioner and her dependency on her parents as well as presently she is residing at Bellary along with her parents. It is also undisputed that the distance between Bellary to Chikkamagaluru is about 280 kms.

8. The petitioner has produced a copy of the petition in M.C.No.14/2026 before this Court. The averments of the said petition indicate that earlier the respondent was working in Bellary, during which he met the petitioner, they fell in love and then got married. Thereby, it becomes clear that the Respondent is not only employed but a person acquainted to Bellary.

9. If we consider the undisputed grounds urged by the petitioner, then it is to be held that she has made out a valid ground to allow the petition. It is because she has no independent income and she is residing with her parents at Bellary. On the other hand, the Respondent is employed and a person having independent income. It is not the case of the Respondent that he is paying any amount to the

Petitioner either towards her maintenance or to meet other expenses including litigation expenses. Added to the above, if the case is transferred to some other competent court, it is likely to cause inconvenience to both the parties herein than helping them in prosecuting or defending their case. In view of the same, this Court finds no merit in the prayer of the Respondent to transfer the case to some competent court other than the court at Bellary.

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

ORDER

(i) The civil petition is ***allowed***.

(ii) The proceeding in M.C. No.14/2026 pending on the file of the learned Principal Judge, Family Court, Chikkamagaluru is withdrawn and transferred to the Court of the learned Principal Judge, Family Court, Bellary for its disposal in accordance with law.

(iii) The parties are directed to appear before the Court of learned Principal Judge, Family Court, Bellary, on 31.07.2026 at 11.00 a.m.,

to take notice of further proceeding in the transferred petition.

(iv) Office is directed to communicate this order to the concerned courts forthwith.

Sd/-
(B. MURALIDHARA PAI)
JUDGE

ASN/KMS
CT: ASC