



2017:KHC:9075

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31st DAY OF MARCH 2017

BEFORE

THE HON'BLE MR. JUSTICE A.S.BOPANNA

CIVIL PETITION NO.325/2016

BETWEEN :

Smt.Ragini,
D/o.Sri.Shantharaju,
W/o.Rajath T.C.,
Aged about 32 years,
Residing at :
C/o.Mr.Somashekar (landlord),
#51/52, First Floor,
Opp. Mahaveer Nest Apartment,
SBI Layout, deverachikkanahalli,
Bengaluru – 560 076. ...PETITIONER

(By Sri.P.B.Raju &
Sri.Bhuvanendra Raju P., Advs.)

AND :

Sri.Rajath T.C.,
S/o.Late Sri.Channabasavraju,
Aged about 34 years,
Residing at Sarvasiddi,
4th `A' Main Road,
Valmiki Nagar, Tumakuru. ...RESPONDENT

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This civil petition is filed under Section 24 of CPC praying to (a) call for the records in M.C. No.218/2016, on the file of the Principal Judge, Family Court at Tumakuru; (b) be pleased to transfer the case MC No.218/2016, on the file of the Principal Judge, Family Court at Tumakuru to the Principal Judge, Family Court, Bengaluru City, Bengaluru for disposal of the case in accordance with law.

This civil petition coming on for *admission*, this day, the Court made the following:

ORDER

The petitioner is before this Court seeking that the petitioner in M.C. No.218/2016 pending on the file of the Principal Judge, Family Court at Tumakuru be withdrawn and be transferred to the Family Court at Bengaluru.

2. The petitioner is the wife of the respondent. Due to certain disputes in their married life they are residing separately. The respondent – husband has instituted the petition under Section 13(1)(ia) of the Hindu Marriage Act seeking dissolution of marriage. The petitioner – wife is seeking that the same be



transferred to the Court at Bengaluru. Though notice of this petition was ordered to the respondent, the respondent has not chosen to appear and defend the petition.

3. In that light, a perusal of the petition papers would disclose that in any event, the marriage of the parties was solemnized on 12.02.2012 at Mysore. Though the respondent herein had instituted the petition at Tumakuru indicating that the marital home is at Tumakuru, the very address of the petitioner herein indicated in the petition filed before the Family Court would disclose that she is residing at Bengaluru and the averment in the petition is also that she is working as a Manager at Bengaluru. If that be the position the claim as made by the petitioner that she is presently residing at Bengaluru and would be difficult for her to travel to Tumakuru on every hearing date and effectively defend the petition will have to be accepted



- 4 -

by this Court. In any event, the respondent herein would be in a position to travel to Bengaluru from Tumakuru and prosecute the petition in accordance with law. Therefore, the prayer made in the petition is accepted.

Accordingly it is ordered that the petition in M.C.No.218/2016 be withdrawn from the file of the Principal Judge, Family Court, Tumakuru and the same be transferred to the Family Court at Bengaluru.

The Transferee Court shall issue notice to the parties and thereafter proceed further in accordance with law.

The petition is accordingly ***disposed of.***

**Sd/-
JUDGE**

SPS