

**IN THE HIGH COURT OF KARNATAKA
GULBARGA BENCH**

DATED THIS THE 31ST DAY OF JANUARY, 2014

BEFORE

THE HON'BLE MR. JUSTICE B V PINTO

CIVIL PETITION No.731/2013

BETWEEN

1. PADMAVATHI W/O MILING RASALKAR,
AGED ABOUT: 29 YEARS, OCC: HOUSEHOLD,
R/O: HUNASGI-585224.
TQ: SHORAPUR, DIST: YADGIRI.
2. SRIDHAR S/O MILIND RASALKAR,
AGED ABOUT: 05 YEARS,
3. SRINATH S/O MILIND RASALKAR,
AGED ABOUT: 05 YEARS,

THE PETITIONERS NO.2 AND 3 ARE MINORS
U/G OF THEIR REAL MOTHER PETITIONER NO.1.

...PETITIONERS

(BY SRI.PRAKASH.R.KULKARNI, ADVOCATE)

AND:

MILIND S/O ASHOK RASALKAR,
AGED ABOUT: 35 YEARS, OCC: BUSINESS,
R/O: H.NO.4-2/9, HOLIKATTA,
MAKTAMPUR, GULBARGA-585104.

...RESPONDENT

(BY SRI. P.ASHOK, ADVOCATE)

THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF THE CPC, AGAINST THE PETITION TO TRANSFER THE CASE BEARING M.C.NO.13/2013 PENDING ON THE FILE OF THE JUDGE, FAMILY COURT AT GULBARGA TO THE CIVIL JUDGE (SR.DN) AT SHORAPUR.

THIS PETITION COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This petition is filed under Section 24 of CPC seeking for an order to transfer the case bearing M.C.No.13/2013 on the file of the Family Court, Gulbarga to the Civil Judge (Sr.Dn) Shorapur.

2. Respondent has been served with the notice of this Court and the respondent is represented by counsel.

3. It is the case of the petitioner that she is a resident of Hunsagi Village Tq: Shorapur, Dist: Yadgiri and that she finds difficulty in appearing before the Court at Gulbarga in the case bearing M.C.No.13/2013, which is filed against her by her husband-Milind under Section 9 of the Hindu Marriage Act.

4. On a perusal of the petition in M.C.No.13/2013, the respondent herein has shown the address of the petitioner as Hunsagi village, Tq: Shorapur, Dist: Yadgiri. It is further seen that the petitioner has got two children aged about 05 years at present. Hence, it is difficult for the petitioner to go all the way from Shorapur to Gulbarga to attend the case in M.C.No.13/2013. On the other hand, it is convenient for the respondent-husband to appear at Shorapur. Hence, M.C.No.13/2013, pending on the file of Family Court, Gulbarga is transferred to the Court of Civil Judge (Sr.Dn) Shorapur with a direction to proceed with the same in accordance with law.

Petition is *allowed*.

**Sd/-
JUDGE**

msr