

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30<sup>TH</sup> DAY OF SEPTEMBER 2020

BEFORE

THE HON'BLE MR.JUSTICE S. SUNIL DUTT YADAV

**CIVIL PETITION No.16/2018**

**Between:**

Smt. Priyadarshini N.M. @ Bhagyasri,  
Wife of Sri Rakesh Sharma C.L.,  
Aged about 30 years,  
Residing at No.1, I Main,  
2<sup>nd</sup> Cross, KHM Block,  
Ganganagar, R.T. Nagar Post,  
Bangalore – 560 032. ... Petitioner

(By Sri Nanda Kumar B.L., Advocate)

**And:**

Sri Rakesh Sharma C.L. @  
Benakaraju (Rakesh),  
Son of Sri Lokeshappa,  
Aged about 32 years,  
Residing at Chikkakurubarahalli,  
Jyothinagar Post,  
Chikkamagalur. ... Respondent

(By Sri M.V. Sridhar, Advocate)

This Civil Petition is filed under Section 24 of CPC,  
Praying to: (a) Directing the learned Principal Judge, Family  
Court, Chikmagalur to transfer the petition filed under  
Section 13(1)(i-a)(i-b) of Hindu Marriage Act, filed by the  
petitioner, as against the respondent, which is pending as  
M.C. No.97/2017, to the Family Court at Bangalore for

adjudication, which is pending for adjudication (b) Grant such other order/s as deemed fit in the circumstances of the case.

This Civil Petition coming on for admission, this day, the Court made the following:

**ORDER**

The petitioner who is the wife has sought for withdrawal of the proceedings in M.C.97/2017 pending on the file of the Principal Judge, Family Court, Chickmagalur filed by the respondent/husband seeking for dissolution of the matrimonial relationship under Section 13 (1) (a) (b) of the Hindu Marriage Act, 1955 and to transfer the same to the Family Court at Bengaluru for adjudication.

2. It is the case of the petitioner that she is at present residing at Bangalore and that the respondent has initiated proceedings for dissolution of marriage at Family Court, Chickmagalur and that the distance between Bengaluru and Chickmagalur is about 200 Kms and further the petitioner has a female child

aged about 05 years and hence there are serious inconveniences in attending the proceedings at Chickmagalur and inconvenience is such so as to interfere with the right of fair trial of the petitioner.

3. The learned counsel for respondent submits that the petitioner is not diligent in prosecuting the proceedings and in light of the interim order passed in M.C.No.97/2017, the proceedings are stalled. Considering the nature of case and also that it involves the personal right of the parties concerned, there should be a direction for expeditious disposal of the case.

4. It is further submitted that though the petitioner had initiated proceeding seeking maintenance in CrI.Mis. (F.R.) No.5/2018, due to non-prosecution, the petition has been dismissed, which also would show the lackadaisical attitude of the petitioner in prosecuting the proceedings.

5. The learned counsel for petitioner does not seriously opposes transfer petition, though insists for necessary direction to be given to expedite the proceedings in M.C.97/2017. The learned counsel for petitioner undertakes that she would cooperate for expeditious disposal of M.C.97/2017.

6. In light of the stand of the learned counsel for respondent, noticing that petitioner is residing at Bengaluru and also noticing the distance between Bengaluru and Chickmagalur and noticing that the petitioner has a female child aged about 05 years, it would be just and appropriate to withdraw the proceedings in M.C.97/2017 pending on the file of the Principal Judge, Family Court, Chickmagalur and to transfer the same to the Family Court at Bengaluru to be disposed off in accordance with law.

7. The Family Court at Bengaluru is to take note of the undertaking of the petitioner to cooperate for

expeditious disposal of the proceedings and also take note that the petition pertains to the year 2017 and taking note of the seniority of the matter vis-à-vis other matters to endeavour to dispose of the same expeditiously. It is made clear that the proceedings upon transfer would be resumed from the stage when the matter is withdrawn.

8. The records pertaining to M.C.97/2017 pending on the file of the Principal Judge, Family Court, Chickmagalur is to be withdrawn and transferred to the Family Court at Bengaluru forthwith.

**Sd/-  
JUDGE**

Np/-