

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

**DATED THIS THE 28TH DAY OF FEBRUARY, 2022
BEFORE**

THE HON'BLE MR.JUSTICE ASHOK S. KINAGI

CIVIL PETITION No.200024/2019

Between:

Padmavati W/o Revansiddappa,
Age: 31 years, Occ: Household,
R/o Malli, now at Kadamgera (B),
Tq. Shahapur, Dist. Yadgiri-565 201.

... Petitioner

(By Sri B.K. Hiremath, Advocate)

And:

Revansiddappa S/o Mallappa,
Age: 38 years,
Occ: Govt. High School Teacher,
R/o H.No.C-14, Ghatge Layout,
Kalaburagi-585107.

... Respondent

**(By Sri Arunkumar B.K. &
Sri H.M.Gilki, Advocates)**

This Civil Petition is filed under Section 24 of Code of Civil Procedure praying to allow the petition filed by the petitioner and the MC No.232/2018 filed by the respondent herein pending on the file of District Judge, Family Court at Kalaburagi be withdrawn and transferred to Senior Civil Judge at Shahapur.

This petition coming on for Admission, this day, the Court made the following:-

ORDER

Petitioner has filed petition under Section 24 of Code of Civil Procedure praying to withdraw M.C.No.232/2018 pending on the file of District Judge, Family Court, Kalaburagi, and transfer the same to the Court of Senior Civil Judge, Shahapur.

2. Brief facts giving rise to filing of this petition are as under:

Marriage of the petitioner was solemnized on 20.05.2014 with the respondent at Malli village as per the customs prevailing in their community. Both of them led happy marital life for more than one year. Out of the wedlock, a male child was born. Thereafter, the respondent started ill-treatment and informed the petitioner that he would marry another

woman. Therefore, petitioner filed suit in O.S.No.306/2018 before the Civil Judge, Shahapur, seeking relief of permanent injunction restraining the respondent from performing the second marriage. Respondent appeared in the said case and filed written statement. After filing of the suit, petitioner filed Criminal Miscellaneous No.86/2018 seeking maintenance which is pending on the file of Additional JMFC, Shahapur. After receipt of notice in Criminal Miscellaneous No.86/2018, the respondent filed M.C.No.232/2018 before the District Judge, Family Court, Kalaburagi, for grant of decree of divorce. Petitioner is the resident of Kadamgera, Shahapur Taluk. Petitioner has to travel from Kadamgera to Kalaburagi and the distance between Kadamgera and Kalaburagi is more than 90 Kilometers and therefore, she is unable to travel from Kadamgera to Kalaburagi alone and she requires assistance and has no source

of income to travel to Kalaburagi. Hence, she prays to withdraw M.C.No.232/2018 pending on the file of District Judge, Family Court, Kalaburagi and transfer the same to the Court of Senior Civil Judge, Shahapur.

3. Heard learned counsel for the petitioner and the learned counsel for the respondent.

4. Learned counsel for the respondent submits that he has no objection to allow the petition.

5. In view of the same, petition is allowed. M.C.No.232/2018 is withdrawn from the Court of District Judge, Family Court, Kalaburagi and the same is transferred to the Court of Senior Civil Judge, Shahapur.

**Sd/-
JUDGE**

NB*