



**IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH**

**DATED THIS THE 31<sup>ST</sup> DAY OF MAY, 2024**

**BEFORE**

**THE HON'BLE MR JUSTICE M.G.S. KAMAL**

**CIVIL PETITION NO.100011/2024**

**BETWEEN:**

SMT. SARASWATI  
W/O. SURESH GUDADUR,  
AGE: 33 YEARS,  
OCC: HOUSEHOLD WORK/PRIVATE SERVICE,  
R/O: RAGAVENDRA CAMPA TURAVIHAL,  
TQ: SINDANUR, DIST: RAICHUR.

...PETITIONER

(BY SRI A. C. CHAKALABBI AND  
S.G.NANDLOOR, S.B.DODDAGOUDAR,  
M.A.MAKANDAR AND  
ANNESAHEB SAHLGAR, ADVOCATES)

**AND:**

SRI SURESH  
S/O. HAMPANNA GUDADUR,  
AGE: 38 YEARS, OCC: AGRICULTURE,  
R/O: TAVARAGERI, TQ: KUSTAGI,  
DIST: RAICHUR – 523 279.

...RESPONDENT

(RESPONDENT IS SERVED)

THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF CPC,  
PRAYING TO, PASS ORDER TRANSFERRING M.C.NO.59/2023  
PENDING ON THE FILE OF HONBLE SENIOR CIVIL JUDGE AND JMFC  
KUSTAGI TO THE COMPETENT COURT AT SENIOR CIVIL JUDGE AND  
JMFC SINDANUR IN THE INTEREST OF JUSTICE AND EQUITY.

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



**ORDER**

1. This petition is by the petitioner-wife seeking transfer of proceedings in M.C.No.59/2022 filed by the respondent-husband on the file of the Senior Civil Judge and JMFC, Kushtagi to the Court of the Senior Civil Judge and JMFC, Sindanur.

2. The marriage of the petitioner and the respondent was solemnized on 22.02.2011 at Somanath temple, Pura village of Sindanur taluk. The petitioner joined the matrimonial house with the respondent and led marital life for about 1 ½ year. Out of their wedlock, two children were born. Due to discord between them, petitioner started to live with her parents in her parental home and filed Crl.Misc.No.353/2022 seeking maintenance and also filed a criminal case in Crime No.689/2022 alleging offence of demand of dowry from the petitioner. Things stood that respondent-husband has filed the petition under Section 13(1)(ia)(ib) of the Hindu Marriage Act, 1955 for grant of divorce against the petitioner in



M.C.No.59/2002 before the Senior Civil Judge and JMFC, Kushtagi.

3. Counsel for the petitioner reiterating the grounds urged in the memorandum of petition submits that the petitioner-wife filed a complaint before Turvihal police in Crime No.689/2022 and the said matter is pending consideration. That she has also filed a petition under Section 125 Cr.P.C., before the Senior Civil Judge, Sindanur in Crl.Misc.No.353/2022 and the same is also pending consideration. He further submits that in view of the facts and circumstances of the case, it is necessary and imperative that for the purpose of effective prosecution of the matter, present petition filed by the respondent-husband for dissolution of marriage at Senior Civil Judge and JMFC, Kustagi, be withdrawn and transferred to the Court at Senior Civil Judge and JMFC, Sindanur.

4. In response, learned counsel for the respondent-husband submits that the respondent-husband



left with no other option but to prosecute the matter at Kustagi.

5. Heard and perused the matter.

6. Section 19 of the Hindu Marriage Act, 1955 provides that petition for divorce be filed within the jurisdiction of the Court where the respondent at the time of presentation of the petition resides. Further, the facts reveal that even before the respondent-husband filing the present petition for dissolution of marriage, the petitioner - wife had already initiated proceedings against the respondent-husband and has also filed petition seeking maintenance, before the Courts at Sindanur and the same are pending consideration.

7. In view of the above factual and legal aspects of the matter, this Court is of the considered view that the present petition in M.C.No.59/2023 pending on the file of Senior Civil Judge and JMFC, Kustagi, be withdrawn and



presented before the Court at Senior Civil Judge and JMFC,  
Sindanur, where the petitioner-wife is residing.

8. Petition is accordingly allowed.

9. In view of the disposal of the main petition,  
pending IAs. do not survive for consideration and are  
disposed of.

**SD/-**  
**JUDGE**

KGK/CT-ASC  
List No.: 1 Sl No.: 17