



**IN THE HIGH COURT OF KARNATAKA,
KALABURAGI BENCH
DATED THIS THE 29TH DAY OF NOVEMBER, 2024
BEFORE
THE HON'BLE MR. JUSTICE M.G.S.KAMAL**

CIVIL PETITION NO. 200028 OF 2024

BETWEEN:

KAVITA W/O JAGADISH GHUMASHETTY,
AGE: 43 YEARS, OCC: GOVERNMENT SERVICE,
R/O. 10-86/193, GANESH NAGAR SHAHAPUR,
DIST. YADGIRI-585223.

...PETITIONER

(BY SRI N. S. RATANKUMAR, ADVOCATE FOR
SRI BASAVALING NASI, ADVOCATE)

AND:

SRI JAGDISH S/O BASALINGAPPA GHUMSHETTY,
AGE: 49 YEARS, OCC: GOVERNMENT SERVANT,
R/O. KALAKERI VILLAGE, TQ. SINDAGI,
DIST. VIJAYAPUR-586101.

...RESPONDENT

(BY SMT. REKHA PATIL, ADVOCATE FOR
SRI G. G. CHAGASHETTI, SRI I. R. BIRADAR, &
SRI L.T. PUJARI, ADVOCATES)

THIS CP IS FILED UNDER SECTION 24 OF THE CPC,
PRAYING TO, I) WITHDRAWING M.C.NO.4/2024 FROM THE
HON'BLE SENIOR CIVIL JUDGE AT SINDAGI TO TRANSFER IT
TO SENIOR CIVIL JUDGE AT SHAHAPUR, DIST. YADGIRI. II)
PASS SUCH OTHER ORDER OR DIRECTION AS THIS HON'BLE
COURT DEEMS FIT UNDER THE FACTS AND CIRCUMSTANCES
OF THE CASE.

Digitally signed by
SHIVALEELA
DATTATRAYA
UDAGI
Location: HIGH
COURT OF
KARNATAKA



THIS PETITION, COMING ON FOR ADMISSION, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S.KAMAL

ORAL ORDER

(PER: HON'BLE MR. JUSTICE M.G.S.KAMAL)

This petition is filed by the petitioner-wife seeking transfer of petition in M.C.No.4/2024 filed by the respondent-husband under Section 13 (1) (1-b) of the Hindu Marriage Act, 1955 on the file of Senior Civil Judge, Sindagi to the Senior Civil Judge at Shahapur, Yadgiri District.

2. Brief Facts of the case are that;

The contention of the petitioner is that her marriage with the respondent was solemnized on 22.04.1998 at Ambhabavani Temple, Kalakeri, Sindagi, Vijayapura District. The respondent-husband is working as a teacher at Kalakeri near Sindagi and petitioner-wife is working as a teacher. Due to marital discord dispute arose between both the parties respondent-husband has filed petition in



MC No. 4/2024 before the Senior Civil Judge and JMFC at Sindagi under section 13 (1) (1-b) of Hindu Marriage Act seeking dissolution of the marriage.

3. Learned counsel for the petitioner - wife submits that she is presently residing at Sindagi and the distance between Sindagi and Shahapur is 105 km and the petitioner is suffering from spondylitis and would be difficulty for her to travel all the way from Shapur to Sindagi to prosecute the matter. Hence, seeks for transfer of the matter.

4. Statement of objection is filed by the respondent - husband, wherein it is contended that petitioner - wife has already filed a suit in OS No.84/2021 on the file of Civil Judge (Jr.Dn) and JMFC, Sindagi seeking relief of partition and separate possession and has been effectively prosecuting the said matter from the year - 2021 till now. That she has also filed an application under Section 24 of Code of Civil Procedure in the aforesaid MC No.4/2024 seeking maintenance and interim maintenance



has already been awarded by the Family Court and she has also filed EP No.2/2024 before the Civil Judge and JMFC, Sindagi seeking recovery of the said interim maintenance.

5. Learned counsel for the respondent further submit that the petitioner - wife has even cross-examined the respondent - husband in the MC No.4/2024, and evidence of the respondent - husband is already completed and that matter is only left for recording evidence of the petitioner - wife. As such, she submits that at this juncture, no purpose will be served by seeking transferring the above matter. On the other hand, the same would cause extreme hardship to the respondent - husband. Therefore, opposes the request for transfer.

6. Heard and perused the record.

7. It is not disputed by the petitioner - wife that, she has already filed a suit in OS No.84/2021 and the same is pending consideration before Sindagi Court. It is



also not disputed that she has already been awarded interim maintenance in the very same MC No.4/2024. As submitted by learned counsel for the respondent that, evidence of the petitioner has already been completed in MC No.4/2024 and only the evidence of respondent - wife is required to be recorded.

8. In view of the aforesaid admitted fact and circumstances, this Court do not see any justification to withdraw and transfer the pending MC No.4/2024 from the Court of Sindagi to the Court of Shahapur as sought for. More so, when the petitioner - wife has been prosecuting the suit in OS No.84/2021 filed by her against the respondent - husband for Partition at Sindagi.

9. However, it is made clear that respondent - husband shall not seek unnecessary adjournment, when the petitioner tenders herself for evidence and for cross - examination. The Family Court shall ensure that the evidence of the respondent or petitioner - wife is recorded and the cross examination is conducted on the very same



day or on any other convenient day without granting any unnecessary adjournment in the matter.

10. In addition, respondent - husband shall pay a sum of Rs.5,000/- enabling the respondent/petitioner - wife to appear and prosecute the matter at Sindagi with above, the petition is ***disposed off.***

Sd/-
(M.G.S.KAMAL)
JUDGE

KBM
List No.: 1 Sl No.: 22
CT:PK