



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2024

BEFORE

THE HON'BLE MR JUSTICE H.T. NARENDRA PRASAD

CIVIL PETITION NO. 28 OF 2024

BETWEEN:

SMT. CHAITHRA S.
W/O RAVIKUMAR
AGED ABOUT 32 YEARS
R/AT NO.37, 15TH CROSS
3RD MAIN, ANNAPOORNESHWARI NAGAR
SRIGANDHA KAVAL, BANGALORE - 560091.

...PETITIONER

(BY SRI. ANIL SHEKAR K S.,ADVOCATE)

AND:

SRI. RAVIKUMAR C
S/O CHANDRA SHEKAR
AGED ABOUT 36 YEARS
R/O HOSUDHYA VILLAGE
VENKATAGIRIKOTE, DEVANAHALLI TALUK
BANGALORE RURAL TALUK - 562110.

...RESPONDENT

(BY SRI. DEVENDRA N.,ADVOCATE)

THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF CPC, PRAYING TO PASS AN ORDER CALLING FOR RECORD IN G.& W.C NO.15006/2023 PENDING ON THE FILE OF THE VTH ADDITIONAL DISTRICT AND SESSIONS JUDGE AT DEVANAHALLI AND TRANSFER THE SAME TO PRINCIPAL FAMILY COURT AT BANGALORE BY ALLOWING THIS CIVIL PETITION IN THE INTEREST OF JUSTICE AND EQUITY.

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





CORAM: HON'BLE MR JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

This petition under Section 24 of CPC is filed by the petitioner-wife seeking transfer of G & W.C.No. 15006/2023, pending on the file of V Additional District and Sessions Judge, Devanahalli to the Principal Family Court, Bengaluru.

2. The petitioner is the legally wedded wife of the respondent, and their marriage was solemnized on 12.05.2013 at Muktheshwaranagar Temple, Murugamall, Chintamani Taluk, Kolar District as per Hindu rites and customs. After the marriage, the petitioner resided with her husband at her matrimonial home. Two children were born out of wedlock. Due to matrimonial disputes, the petitioner started living separately with her aged mother and minor children, one of whom is mentally disabled, in Bengaluru. Thereafter, the petitioner-wife filed C.Misc.No.199/2023 before the Metropolitan Magistrate, Bengaluru under the Protection of Women from Domestic



Violence Act. In that case, the respondent-husband is represented by counsel and prosecuting the case. The respondent-husband filed a petition for custody of the children in G & W.C.No.15006/2023 before the V Additional District and Sessions Judge, Devanahalli. The petitioner's case is that since she resides at Bengaluru with her minor children, it would cause great inconvenience and hardship for her to go to Devanahalli to prosecute the case. Hence, she filed the present petition seeking transfer of the case.

3. The learned counsel for the petitioner-wife submitted that the mother of the petitioner is aged person, and she has to take care of them and also her minor children. She has no other family members or relatives to accompany or assist her in traveling to Devanahalli, to prosecute the case. Moreover, she does not have any source of income. Therefore, if the petition is not transferred, it would cause great inconvenience and



hardship to the petitioner-wife. Hence, the learned counsel sought to allow the petition.

4. The learned counsel for the respondent-husband submitted that after the marriage, the petitioner resided with her husband. The petitioner was also residing at Devanahalli and now they have been shifted to Bengaluru. He further submitted that the parents of the respondent-husband are aged persons, and they are suffering from ailments. Therefore, it would be difficult for him to travel to Bengaluru to prosecute the case. Hence, the learned counsel sought dismissal of the petition.

5. Heard the learned counsel for both the parties.
Perused the petition papers.

6. The petitioner is the legally wedded wife of the respondent, and their marriage was solemnized on 12.05.2013, as per Hindu customs. After the marriage, the petitioner resided with her husband at her matrimonial home. Two children were born out of wedlock. Due to



differences of opinion, the petitioner started living separately with her aged mother and minor children. Thereafter, the petitioner-wife filed C.Misc.No.199/2023 before the Metropolitan Magistrate, Bengaluru under Protection of Women from Domestic Violence Act. In that case, the respondent-husband is represented by counsel and prosecuting the case. The respondent-husband filed a petition for custody of the children in G & W.C.No. 15006/2023 before the V Additional District and Sessions Judge, Devanahalli. Since the petitioner resides at Bengaluru and has to care of her aged mother and also two minor children, and as she has no other relatives or family members to accompany or assist her, it would cause inconvenience and hardship for her to travel to Devanahalli to prosecute the case.

7. Therefore, taking note of the inconvenience made out by the petitioner, the petition deserves to be allowed. Accordingly, the following order is passed:

- i) The petition is allowed.



- ii) The case in G & W.C.No.15006/2023 on the file of V Additional District and Sessions Judge, Devanahalli is hereby withdrawn and transferred to the Family Court, Bengaluru.
- iii) The transferor Court is hereby directed to transmit the entire records to the transferee court.
- iv) The transferee court after hearing the parties is directed to dispose of the said case as expeditiously as possible and in accordance with law.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

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