



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 27<sup>TH</sup> DAY OF JANUARY, 2023**

**BEFORE**

**THE HON'BLE MR JUSTICE PRADEEP SINGH YERUR**

**CIVIL PETITION NO. 132 OF 2022**

**BETWEEN:**

1. SMT.DIVYA.S,  
W/O MANJUNATH BASAWARAJ,  
D/O SIDDAGANAGAPPA.P,  
AGED ABOUT 37 YEARS,  
R/AT NO.19/1, 1ST MAIN,  
PATTANAGERE, NEAR R.R.NAGAR,  
POST OFFICE, R.R.NAGAR,  
BANGALORE - 560 098.

...PETITIONER

(BY SRI. VISHNUMURTHY., ADVOCATE)

**AND:**

1. MANJUNATH BASWARAJ,  
S/O BASAVARAJ S. WANGI,  
AGED ABOUT 41 YEARS,  
RA/T KHB COLONY,  
JYOTHINAGAR POST,  
CHIKKAMAGALURU - 577 102.  
ENGINEER BY PROFESSION  
CURRENTLY EMPLOYED IN SCANIA CV AB  
SODERTALJE, SWEDEN.

...RESPONDENT

(BY SRI. RAVIKUMAR N.R., ADVOCATE)





THIS CIVIL PETITION IS FILED UNDER SEC.24 OF CPC, PRAYING THAT THIS HON'BLE COURT MAY PLEASED TO PASS NECESSARY ORDER TO WITHDRAW THE MC NO. 20/2022 PENDING BEFORE THE HON'BLE PRINCIPAL JUDGE, FAMILY COURT, CHIKKAMAGALURU AND TRANSFER THE CASE TO HON'BLE FAMILY COURT AT BENGALURU, SINCE THE PETITIONER IS RESIDENT OF BENGALURU AND ETC.,

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

**ORDER**

This petition is preferred by the wife seeking transfer of matrimonial proceedings filed by the respondent-husband in MC.No.20/2022 filed for dissolution of marriage pending on the file of Hon'ble Principal Judge, Family Court at Chikkamagaluru to the Family Court at Bengaluru.

2. It is the contention of learned counsel for petitioner that that the petition preferred by the husband is at Chikkamagaluru, which is at about 250 kms. from Bengaluru. He further contends that since she is residing with her aged father, who had undergone brain tumor operation, for 2 times,



she is unable to travel to Chikkamagaluru along with her father for about 500 kms. (both sides). She would also incur huge expenditure on her stay, accommodation and food, to appear for the Court proceedings at Chikkamagaluru. Therefore, it would cause difficulty and hardship to the wife to travel from Bengaluru to Chikkamagaluru. Hence, she seeks to transfer the petition filed by the husband before the Family Court at Chikkamagaluru to the Family Court at Bengaluru.

3. In view of the distance being 250 k.ms. from Chikkamagaluru to Bengaluru, the petitioner is unable to appear for the Court proceedings along with her aged father. Therefore, I do not find any legal impediment to transfer the case pending before the Family Court at Chikkamagaluru in MC.No.20/2022 to the Family Court at Bengaluru for adjudication. It is also apparently seen that less amount of hardship would be caused to the respondent-husband in traveling to Bengaluru to attend the aforesaid cases rather than the wife attending the case at Chikkamagaluru preferred by the respondent-husband seeking divorce. Accordingly, I proceed to pass the following:



**ORDER**

- i) Petition is ***allowed;***
- ii) The matrimonial proceedings in MC.No.20/2022 filed under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 pending on the file of Principal Judge, Family Court at Chikkamagaluru, is ordered to be transferred to the Family Court at Bengaluru.

**Sd/-  
JUDGE**

VS  
List No.: 1 SI No.: 48