

IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 30TH DAY OF NOVEMBER 2021

BEFORE

THE HON'BLE MR.JUSTICE S.R.KRISHNA KUMAR

CIVIL PETITION No.213 OF 2021

BETWEEN:

AKSHATHA
W/O NAVEEN,
D/O PUSHPA,
AGED ABOUT 22 YEARS,
R/AT NO.1335/10,
MAHALAKSHMI NIVASA,
1ST MAIN, 3RD CROSS,
B-BLOCK, SARASVATHI NAGARA,
DAVANAGERE-577 001

...PETITIONER

(BY SRI R.SHASHIDHARA, ADVOCATE)

AND:

NAVEEN N
S/O M NAGARAJA,
AGED ABOUT 31 YEARS,
R/O SHIVA KRUPA,
NO.19/1, 2ND MAIN,
3RD CROSS, VIDYANAGAR,
T DASARAHALLI,
BENGALURU-560057

...RESPONDENT

(NOTICE TO RESPONDENT SERVED, BUT UNREPRESENTED)

THIS C.P. IS FILED UNDER SECTION 24 OF CPC PRAYING TO WITHDRAW THE M.C.NO.1782/2021 PENDING ON THE FILE OF PRINCIPAL JUDGE, FAMILY COURT AT BENGALURU AND TRANSFER THE SAME TO PRINCIPAL FAMILY COURT AT DAVANAGERE BY ALLOWING THIS PETITION, AND ETC.

THIS C.P. COMING ON FOR ADMISSION THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

In this petition filed by the petitioner-wife against respondent-husband, the petitioner seeks transfer of M.C.No.1782/2021 pending before the Principal Judge, Family Court, Bengaluru to the Principal Family Court, Davanagere, where the petitioner- wife is residing.

2. A perusal of the petition in M.C.No.1782/2021 filed by the respondent-husband herein indicates that the petitioner-wife is residing at Davanagere. Under this circumstance and in view of law laid down by the Apex Court in the case of **SUMITA SINGH VS. KUMAR SANJAY AND ANOTHER** reported in **AIR 2002 SC 396**, it is observed that the convenience of the wife has to be looked into at the time of considering the transfer application filed under Section 24 of the Code of Civil Procedure, which is further followed by a co-ordinate Bench of this Court in the case of **SUHASINI Vs. S.B.MAHENDRA KUMAR** reported in **ILR 2015 KAR 2804**, the petition deserves to be allowed.

3. Accordingly, the petition is **allowed** and M.C.No.1782/2021 pending on the file of the Principal Judge, Family Court, Bengaluru is hereby transferred to the Principal Family Court, Davanagere for disposal in accordance with law.

However, liberty is reserved in favour of the respondent to seek necessary exemption from personal appearance, whenever possible before the Court at Davanagere to which the aforesaid M.C.No.1782/2021 now stands transferred to. Respondent is also reserved liberty to request the Court for the proceedings to be conducted through video conferencing.

SD/-
JUDGE

Sv/-