

**IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH****DATED THIS THE 4TH DAY OF APRIL, 2024****BEFORE****THE HON'BLE MR JUSTICE VIJAYKUMAR A.PATIL****CIVIL PETITION NO. 100053 OF 2024****BETWEEN:**

SMT. BHAGYASHREE W/O. MANJUNATH HORATTI,
AGE: 28 YEARS, OCC: HOUSEWIFE,
R/O.C/O. BHIMAPPA GOUDANAVAR,
AT/P. AIGALI, TQ: ATHANI,
DIST: BELAGAVI-591248.

...PETITIONER

(BY SRI. RAHUL S. KUNTOJI, ADVOCATE)

AND:

MANJUNATH S/O. LAXMAN
@ LAXMAPPA HORATTI,
AGE. 32 YEARS, OCC: PVT.SERVICE,
R/O.C/O. LAXMAN HORATTI,
SECTOR NO.8, M.EXTENSION,
ANJANEYA NAGAR, BELAGAVI,
DIST: BELAGAVI-590016,
PERMANT ADDRESS ADITYA NAGAR,
BACK SIDE DOLLORS COLONY, GOKAK,
DIST: BELAGAVI-591218.

...RESPONDENT

(NOTICE TO RESPONDENT SERVED)

THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF CPC,
PRAYING TO WITHDRAW AND TRANSFER MC NO.168/2023 PENDING
ON THE FILE OF THE FAMILY COURT, BELAGAVI AT BELAGAVI TO
THE COURT OF THE PRL. SENIOR CIVIL JUDGE ATHANI, IN THE
INTEREST OF JUSTICE AND EQUITY.

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





ORDER

This petition is filed by the petitioner/wife under Section 24 of the Code of Civil Procedure, 1908 seeking to transfer M.C.No.168/2023 filed by the respondent/husband pending before the Family Court, Belagavi to the Court of the Principal Senior Civil Judge, Athani.

2. Heard the arguments of Sri.Rahul S.Kuntoji, learned counsel appearing for the petitioner/wife.

3. Though the notice is served on the respondent/husband, he remained absent. Placed *exparte*.

4. Learned counsel appearing for the petitioner/wife submits that the petitioner/wife is residing at Athani along with her parents due to the cruelty of the respondent/husband. He submits that the petitioner/wife does not have any independent source of income to travel to Belagavi to attend the proceedings in M.C.No.168/2023. Thus, he seeks to allow the petition.



5. I have heard the arguments of the learned counsel appearing for the petitioner/wife. Perused the material available on record.

6. It is not in dispute that the petitioner and the respondent are the husband and wife and the relationship are not cordial. The material available on record indicates that the petitioner/wife is residing along with her parents at Athani. Considering the submissions and the grounds urged in the petition and the likely inconvenience caused to the petitioner, I am of the considered view that, this is a fit case to transfer M.C.No.168/2023 filed by the respondent/husband pending before the Family Court, Belagavi to the Court of the Principal Senior Civil Judge, Athani. Hence, I proceed to pass the following:

ORDER

- (i) The petition is ***allowed***.
- (ii) M.C.No.168/2023 filed by the respondent/husband pending before the Family



Court, Belagavi is withdrawn from the file of the said Court and made over to the Court of the Principal Senior Civil Judge, Athani for trial, in accordance with law.

**Sd/-
JUDGE**

RH
Ct-an
List No.: 1 SI No.: 56