

**IN THE HIGH COURT OF KARNATAKA  
DHARWAD BENCH**

DATED THIS THE 25<sup>TH</sup> DAY OF SEPTEMBER 2014

BEFORE

**THE HON'BLE MR. JUSTICE H.BILLAPPA**

CIVIL PETITION NO.100016/2014

BETWEEN

1. SUNANDA W/O.VISHWANATH SUTAR  
AGE: 29 YEARS, OCC:HOUSEHOLD WORK  
R/O. YALAPARAHATTI, TQ: RAIBAG  
DIST: BELGAUM
2. KUMAR KIRAN S/O. VISHWANATH SUTAR  
AGE: 06 YEARS OCC. NIL.  
R/O.YALAPARAHATTI, TQ: RAIBAG  
DIST: BELGAUM
3. KUMAR RAKESH S/O. VISHWANATH SUTAR  
AGE: 04 YEARS OCC. NIL  
R/O.YALAPARAHATTI, TQ: RAIBAG  
DIST: BELGAUM

PETITIONER NO.2 AND 3 BEING MINOR  
REP. BY THEIR GUARDIAN NATURAL  
MOTHER I.E., PETITION NO.1. ... PETITIONERS

(BY SRI. NAGARAJ TARAGAR, ADV.)

AND

VISHWANATH SHIVARUDRA SUTAR  
AGE: 40 YEARS, OCC: CARPENTER AND WELDER  
R/O. SAMBRA, TQ & DIST: BELGAUM

... RESPONDENT

THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF CPC PRAYING TO TRANSFER THE M.C. NO.323/2013 ON THE FILE OF THE FAMILY COURT BELGAUM TO SR. CIVIL JUDGE RAIBAG, IN THE INTEREST OF JUSTICE AND EQUITY.

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

**ORDER**

The petitioner has filed this petition under Section 24 of CPC praying for transfer of M.C. No.323/2013 which is pending on the file of the Family Court at Belgaum to the Court of Senior Civil Judge, Raibag.

2. It is stated, the marriage between the 1<sup>st</sup> petitioner and respondent was solemnized on 30.04.2006 at Sambra. After the marriage, the 1<sup>st</sup> petitioner and the respondent have lived together for sometime. Petitioners 2 and 3 are the children of the 1<sup>st</sup> petitioner and the

respondent. It is stated, the respondent neglected to maintain the petitioners. Therefore, the 1<sup>st</sup> petitioner has filed maintenance case at Raibag in Criminal Misc. No.286/2013. It is pending on the file of the Civil Judge and JMFC, Raibag. The respondent has filed M.C. No.323/2013 for restitution of conjugal rights at Belgaum. It is difficult for the 1<sup>st</sup> petitioner to travel to Belgaum every time to attend the case. Therefore, M.C. No.323/2013 may be transferred to the Court of Senior Civil Judge at Raibag.

3. The learned counsel for the petitioners submitted that the petitioners are staying at Raibag and the 1<sup>st</sup> petitioner has filed maintenance case at Raibag and it is difficult for the 1<sup>st</sup> petitioner to travel to Belgaum every time to attend the case. Therefore, M.C. No.323/2013 may be transferred to the Court of Senior Civil Judge at Raibag.

4. Respondent is served and remains unrepresented.

5. I have carefully considered the submission made by the learned counsel for the petitioners.

6. It is relevant to note, the marriage between the 1<sup>st</sup> petitioner and the respondent has been solemnized on 30.04.2006. After the marriage, the 1<sup>st</sup> petitioner and the respondent have lived together for sometime. Petitioners 2 and 3 are the children of the 1<sup>st</sup> petitioner and the respondent. The petitioners are staying at Yalaparahatti village, Raibag Taluk. The 1<sup>st</sup> petitioner has filed maintenance case at Raibag in Crl. Misc. No.286/2013. It is pending on the file of the Civil Judge and JMFC at Raibag. The respondent has filed M.C. No.323/2013 for restitution of conjugal rights at Belgaum. It is difficult for the 1<sup>st</sup> petitioner to travel to Belgaum every time to attend the case. Therefore, it is proper to transfer M.C. No.323/2013 to the Court of Senior Civil Judge, Raibag.

7. Accordingly, civil petition is allowed and M.C. No.323/2013 which is pending on the file of the Family Court at Belgaum is transferred to the Court of Senior Civil Judge at Raibag. The Family Court at Belgaum shall send the records to the Court of Senior Civil Judge, Raibag within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the Senior Civil Judge, Raibag shall dispose of the matter expeditiously.

**Sd/-  
JUDGE**

Rsh