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IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT DHARWAD
DATED THIS THE 02ND DAY OF JANUARY, 2012
BEFORE
THE HON'BLE MR.JUSTICE A.S.BOPANNA
C.P.No.546/2009

BETWEEN:

SMT.SUMA W/O K.R.LOKESH,
AGED ABOUT 30 YEARS, OCC: HOUSEHOLD WORK,
R/O DODDAMETIKURKE VILLAGE,
ARASIKERE TALUK, HASSAN DISTRICT.

... PETITIONER

(BY SRI.MALLIKARJUN B.HIREMATH, ADV)
AND:

SRI.K.R.LOKESH, S/O K.S.RAJASHEKAR,
AGED ABOUT 35 YEARS, OCC: HEAD MASTER,
R/O DEVADIGA BUILDING, DOOR NO.16,
MADHURA ESTATE, KESHWAPUR, HUBLI.

... RESPONDENT

(BY SRI.DATTATRAYA T.HEBBAR, ADV.)

THIS PETITION IS FILED UNDER SECTION 24 OF CPC
PRAYING TO TRANSFER THE PETITION BEARING
O.S.NO.431/2009 ON THE FILE OF THE II ADDL. CIVIL JUDGE
(JR.DN.), HUBLI TO THE COURT OF PRL.CIVIL JUDGE (JR.DN.),
ARASIKERE AND ETC.

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

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ORDER

The petitioner is before this Court seeking an order for transfer of O.S.No.431/2009 on the file of the II Addl. Civil Judge (Jr.Dn.), Hubli to the Prl. Civil Judge (Jr.Dn.), Arasikere.

2. Heard learned counsel for the parties and perused the petition papers.

3. The petitioner herein claims to be the wife of respondent. The respondent however contends that the petitioner is not the wife and in that context the respondent herein has instituted a suit in O.S.No.431/2009 seeking for declaration that the petitioner herein is not the wife of respondent but infact the wife of one Y.S.Rudraswamy. The said suit is pending on the file of the II Addl. Civil Judge (Jr.Dn.), Hubli. The case of the petitioner is apart from that, she is presently residing at Arasikere, which is about 200 Kms away and she has to come to Hubli to attend the case and cannot afford the expenses. It is also her contention



that, she being a women, there was a threat to her life by the respondent, when she had earlier appeared before the Court in Hubli. It is for the said reason, the petitioner contends that the suit be transferred to the jurisdictional Court in Arasikere.

4. The respondent no doubt has filed objections statement opposing the petition. Except pleading the difficulty that would be faced by the respondent in prosecuting the suit at Arasikere, since, he is the Government servant, the allegations made by the petitioner has not been specifically denied.

5. Be that as it may, the question for consideration is as to whether the prayer sought for by the petitioner is to be granted in the circumstances mentioned above. The law is well settled that, when such suit is pending adjudication between the parties, who claim marital relationship and request for transfer is made status of the parties both economic and the security aspect is required to be



considered. In this regard, keeping in view the fact that the petitioner claims to be the wife of the respondent and is residing at Arasikere and is seeking transfer of the suit to the place where she is presently located, the request should be considered. If the suit is transferred, in my view the respondent would not be put to any hardship, as he is a Government servant and is earning sufficiently and he could well prosecute the suit at Arasikere. It is also not in dispute that, in any event parties are also prosecuting another lis between themselves with regard to the custody of the child, which is in the district where the petitioner is residing. Therefore, keeping all these aspects in view, the petition is allowed. Direction is issued to transfer O.S.No.431/2009 from II Addl. Civil Judge (Jr.Dn.), Hubli to Prl. Civil Judge (Jr.Dn.), Arasikere and fresh notice be issued to the parties and the matter shall be proceeded in accordance with law.

Parties to bear their own costs.

Sd/-
JUDGE

MBS/-