



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JANUARY, 2025

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

CIVIL PETITION NO. 370 OF 2024

BETWEEN:

...PETITIONER

(BY SRI. MURALI B. S.,ADVOCATE)

AND:

...RESPONDENT

(BY SRI. NAGALINGAPPA K.,ADVOCATE)

THIS CIVIL PETITION FILED UNDER SECTION 24 OF CPC 1908, PRAYING TO, WITHDRAW AND TRANSFER THE PETITION IN M.C. NO. 7/2023 PENDING ON THE FILE OF THE LEARNED SENIOR CIVIL JUDGE AND JMFC, NARASIMHARAJAPURA (N.R. PURA), CHIKKAMAGALURU DISTRICT TO THE COURT OF THE LEARNED SENIOR CIVIL JUDGE AND JMFC, HOSANAGARA,





SHIVAMOGGA DISTRICT, WHERE THE PETITIONERS CRL. MISC. NO.70/2023 IS PENDING, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Sri.Murali.B.S, learned counsel for the petitioner as well as Sri.Nagalingappa.K, learned counsel for the respondent.

2. This is a petition filed under Section 24 of Code of Civil Procedure seeking the Court to withdraw and transfer the case in M.C.No.7/2023 which is pending before the Court of Senior Civil Judge, Narasimharajapura, Chikkamagaluru District to the Court of Senior Civil Judge, Hosanagara, Shivamogga District.

3. Learned counsel for the petitioner Sri.Murali.B.S submits that the petitioner is the legally wedded wife of the respondent. Out of lawful wedlock, they gave birth to



two children. Thereafter disputes arose between them and thus they are residing separately. The respondent filed a petition seeking dissolution of marriage and the same is pending as M.C.No.7/2023 before the Court of Senior Civil Judge, Narasimharajapura. The petitioner resides at Hosanagara Taluk of Shivamogga District. The distance between her place of residence and Narasimharajapura where the case is pending is around 130 Kms. The petitioner thus is facing much difficulty to attend the Court on each and every date of adjournment travelling such long distance. Therefore, the petitioner moved the present petition seeking for transfer and thus her request may be considered.

4. Vehemently opposing the submission thus made, learned counsel for the respondent Sri.Nagalingappa.K submits that the petitioner developed illicit intimacy with another person and left the matrimonial home to continue the said relationship. The elder child is aged about 9 years and the younger child is



aged about 7 years at present. Both the children are being looked after by the respondent-husband only. The respondent has to cook food, feed the children and send the children to school and thereafter he is required to attend Court proceedings. If the case is transferred, the respondent thus would face much difficulty and therefore, the petition should not be entertained.

5. In the case on hand, it is not in dispute that the elder child was born in the year 2016 and the younger in the year 2018. Equally it is not in dispute that both the children are residing with the respondent-husband at present and they are school going children. Keeping aside the allegations laid against each other, the inconvenience which the respondent-husband would face to attend the Court would be more than that of the petitioner-wife as the respondent-husband is taking care of the children and the children are under his custody.

6. Constitutionally, a female has got equal rights as that of a male. As a matter of fact, women are the



primary victims in most situations, but that does not mean that men are not affected by the cruelty of women. Therefore, there is necessity for a gender neutral society. Such a society aims at preventing separation of duties according to sex or gender. It will focus on equal treatment of men and women both in domestic affairs and work places. Equality should be in its truest sense and not at the expense of either gender. However admirable our efforts to safeguarding women may be, we should not overlook the challenges encountered by men in our society.

7. Only because the transfer petition is moved by a woman, transfer of the case as sought for cannot be effected. All the attending facts and circumstances have to be looked into.

8. This Court is of the view that the inconvenience projected by the petitioner to attend the Court at Narasimharajapura, Chikkamagaluru District will not be greater than the inconvenience that will be faced by the



respondent-husband if the transfer of the case is effected.
Also the tender aged children would be put to sufferance.
Therefore, this Court is of the view that the relief sought
for cannot be granted.

Resultantly, the petition is *dismissed*.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

NS
CT:TSM
List No.: 1 SI No.: 40