



CNR: KAHC010267822026

NC: 2026:KHC:54668
CP No. 129 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CIVIL PETITION NO. 129 OF 2026

BETWEEN:

...PETITIONER

(BY SRI. MANJUNATHA RAO LOKANDE N, ADVOCATE FOR
SRI. PRABHAKARA M, ADVOCATE)

AND:



...RESPONDENT

(BY SRI. SRIRAMKISHAN B.R, ADVOCATE)



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THIS CP IS FILED UNDER SEC.24 OF CPC., PRAYING TO PASS ORDER FOR TRANSFER OF THE MC PETITION, WHICH IS PENDING ON THE FILE OF HONBLE SENIOR CIVIL JUDGE AND JMFC, ANEKAL, BENGALURU RURAL IN MC NO.89/2021 TO THE HONBLE PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Seeking for transfer of proceedings in M.C.no.89/2021 on file of Senior Civil Judge and JMFC, Anekal, Bengaluru Rural, to Prl. Judge Family Court at Bengaluru, this petition is filed.

2. Sri Manjunatha Rao, learned counsel appearing for Sri M.Prabhakara, Advocate for petitioner submitted that marriage of petitioner and respondent was solemnized on 09.06.2004 at Shivajinagar, Bengaluru. Thereafter they led marital life, in course of which two children were born. Due to subsequent matrimonial discord, petitioner was constrained to reside away from respondent at Bengaluru, with her children to cater to their education. It was submitted that petitioner was



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without any source of income or maintenance when respondent filed M.C.no.89/2021 before Court at Anekal by deliberately showing place of her residence as Sampigenagar, Electronic City, Bengaluru. It was submitted that petitioner was not residing at said address, but was residing at address no.2 mentioned in cause title of M.C. petition at Annexure-A only to harass petitioner and to ensure that she would not be able duly prosecute proceedings.

3. It was submitted that though distance between Anekal and Bengaluru was only 45 kms., travel route was dense with traffic and matter would be adjourned by time petitioner would reach Court. Therefore, petitioner was unable to duly prosecute petition. It was further submitted that respondent was intermittent and irregular in payment of interim maintenance, ordered by Family Court in said proceedings, which was adding to her woes and she was also suffering from ill-health. On above grounds, learned counsel sought for allowing petition and for transfer of proceedings.

4. In reply, learned counsel for respondent submitted that petition for transfer was without any merit. It was



submitted that proceedings in M.C.no.89/2021 were filed by respondent in year 2021. Petitioner had entered appearance on 30.03.2022. Due to default, matter was posted for judgment on 22.01.2024. Thereafter an application was filed for recall of said order and for posting matter for cross-examination of PW.1. Said application was allowed on 03.02.2025. Having participated or acquiesced in said proceedings for more than four years, present petition is filed on 09.04.2026 and was devoid of merit. It was submitted that petition was filed only to dilate proceedings. It was also submitted, presence of petitioner was not required on all dates of hearing.

5. Insofar as allegation about respondent being intermittent in payment of maintenance, while disputing same, learned counsel on instructions submitted that if a period of three months is fixed for conclusion of trial, respondent would undertake to deposit three months' maintenance in one lumpsum to facilitate petitioner to duly participate in trial and would co-operate for early conclusion without seeking adjournment. On said ground, sought for dismissal of petition.



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6. In reply, learned counsel for petitioner submitted that respondent was in huge arrears of maintenance and memo of calculation was filed.

7. Heard learned counsel and perused petition papers and material on record.

8. As noted above, this petition is for transfer of matrimonial proceedings from Court at Anekal to Family Court at Bengaluru.

9. Normally, in case of a petition by wife for transfer of matrimonial proceedings, her convenience weighs in. But, one of glaring facts, in instant case, is that this petition is filed five years of pendency of divorce proceedings and four years after entering appearance and more than a year after application for recall of PW.1 for cross-examination.

10. Above dates would disclose acquiescence on part of petitioner. Insofar as ill-health, no documents are produced nor particulars of ill-health pleaded to inspire consideration. Even if travel route from Bengaluru to Anekal is dense with traffic, same would not be a ground for transfer. Requirement of



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attending to needs of children would also require to be discounted as age of children is stated to be '21' and '16' by respondent and a provision could be made to petitioner to avail Video Conferencing during trial. That apart, undertaking of respondent to facilitate early conclusion of proceedings and not to seek adjournment would also require to be taken note of. In view of above, I do not find any good ground to entertain this petition.

11. Petition stands **dismissed**, but, with observation that in case she make request to Family Court for availing Video Conference facility in trial, same would require to be considered sympathetically. In view of undertaking of respondent to co-operate for early conclusion of proceedings, Family Court is directed to expedite conclusion of trial preferably within three months from next date stated to be 27.10.2026.

To mitigate petitioners concerns, undertaking of respondent to deposit three months' maintenance in one lumpsum on next date of hearing is recorded. In case of



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deposit, same to be made over to petitioner subject to
adjustment against arrears, if any.

Sd/-
(RAVI V HOSMANI)
JUDGE

HNM
List No.: 1 Sl No.: 18