



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF SEPTEMBER, 2022

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

CIVIL PETITION NO. 367 OF 2021

BETWEEN:

SMT. H K SUMA

...PETITIONER

Digitally signed by
LAKSHMI HARAYAN N
Location: High Court of
Karnataka

(BY SRI. H M HARSHA, ADVOCATE)

AND:

M. SANTHOSH



...RESPONDENT

(BY SRI R P SOMASHEKARAIHAH, ADVOCATE)

THIS CP IS FILED UNDER SECTION 24 OF CODE OF CIVIL PROCEDURE PRAYING TO TRANSFER THE CASE IN MC NO. 6648 OF 2018 PENDING ON THE FILE OF THE I ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BANGALORE TO THE COURT OF SENIOR CIVIL JUDGE, DODDABALLAPURA; AND ETC.

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

ORDER

This Civil Petition is filed by the respondent-wife under Section-24 of the Code of Civil Procedure, seeking transfer of MC No.6648 of 2018 on the file of I Additional Principal Judge, Family Court, Bangalore to the competent Family Court at Doddaballapura.

2. Heard the learned counsel appearing for the parties.
3. Sri H.M.Harsha, counsel appearing for the petitioner contended that it is difficult for the petitioner herein to attending the proceedings at Doddaballapura regularly and it is



nearly 70 kms away from Bangalore. Accordingly, he prays to allow the petition.

4. Per contra, Sri R.P.Somashekaraiah, learned counsel appearing for the respondent contended that the petitioner herein is working at Chikkaballapura and MC No.6648 of 2018 is at the stage of cross-examination of the petitioner herein and accordingly, he sought for dismissal of the petition.

5. In the light of the submission made by the learned counsel appearing for the parties and on careful consideration of the grounds urged in the petition, it also well settled principle that convenience of the parties is not the ground to seek transfer of petition under Section- 24 of Code of Civil Procedure but the hardship that would cause to the parties should be looked into. At this juncture, it is pertinent to note the law declared by the Hon'ble Apex Court in the case of **Dr. Subramaniam Swamy vs Ramakrishna Hegde** reported in **1990 (1) SCC 4** wherein, it is held that mere convenience of the parties is not criteria but there must be sufficient cause shown in the transfer petition that the trial chosen forum will result in denial of justice to the parties. Following the law



declared by the Hon'ble Apex Court and taking into consideration the fact that the petitioner is working at Chikkaballapura, I am of the view that distance between Doddaballapura to Bangalore is commutable in nature. Therefore, I do not find any acceptable ground to transfer the petition from competent court Bangalore to Doddaballapura. Accordingly, the Civil Petition is ***dismissed***.

**Sd/-
JUDGE**

SB
List No.: 1 Sl No.: 30