

Jyoti Vs. Suryakant

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Court : Karnataka Gulbarga

Decided On : Jan-08-2013

Judge : Mohan Shantanagoudar

Appeal No. : Civil Petition No. 713 of 2012

Appellant : Jyoti

Respondent : Suryakant

Judgement :

Mohan Shantanagoudar, J.

1. This petition is filed for transferring of M.C.No. 20/2012 pending on the file of the Senior Civil Judge and JMFC Humnabad to Family Court at Gulbarga.

2. Petitioner herein is the wife of respondent. Respondent herein has filed petition for divorce before the Senior Civil Court at Humnabad. Petitioner herein alleges that she being the lady finds it difficult to approach Humnabad Court every now and then, particularly, in view of the fact that she is suffering from lack of finance. According to the petitioner herein, respondent is a practicing Advocate at Gulbarga and is a businessman also; and that earlier, similar petition was filed by the respondent herein in M.C.No.44/2003 at Gulbarga and in the said petition, interim maintenance of Rs.1,200/- per month was awarded. However, the respondent herein did not pay the said maintenance, consequent upon which, the petition came to be closed by the Family Court at Gulbarga. According to the petitioner

herein, respondent himself had approached Gulbarga Court; therefore, there is no hurdle for the respondent, in case, if the case is transferred to Family Court at Gulbarga.

3. The petition was opposed by Sri Sharanabasappa K. Babshetty, learned Counsel appearing on behalf of respondent. He submits that respondent herein does not practice as advocate anymore and he is purely an agriculturist settled at Humnabad, native place, therefore, he submits that there is no need for order of transfer.

4. The distance between Humnabad and Gulbarga is about 64 kilometers. Petitioner herein is a lady. Both are advocates. According to both the Counsel, now they are not practicing. Be that as it may, facts remain that both were practicing at Gulbarga in earlier point of time. Respondent also seems to have residential house at Gulbarga. He had filed M.C.No.44/2003 before the Family Court at Gulbarga in the year 2003, showing his residential address as at Gulbarga. In the said petition, interim maintenance of Rs.1,200/- per month was awarded in favour of the petitioner herein, which was not paid by the respondent and consequently, petition filed by the respondent herein at Family Court, Gulbarga came to be closed. These facts clearly reveal that no harm will be caused to the respondent, if the matter is transferred to Family Court at Gulbarga. On the other hand, if the petitioner lady is directed to be present before the Civil Court at Humnabad, then, she will be put to great hardship. Accordingly, this Court proposes to transfer the matter to Family Court at Gulbarga. Hence, the following order is passed.

ORDER

The petition is allowed. MC. No.20/2012 pending on the file of the Senior Civil Judge, Humnabad stands transferred to Family Court at Gulbarga.

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