

GAHC010166392023



2026:GAU-AS:3980

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Tr.P.(C)./68/2023

KESHAB JESOWARA
SON OF LATE HARIHAR JESOWARA,
RESIDENT OF HARLONGPHER,
LUMDING RAILWAY COLONY,
POST OFFICE AND POLICE STATION- LUMDING,
DISTRICT- NAGAON, ASSAM,
PIN - 782447.

VERSUS

KANTA JESOWARA
WIFE OF KESHAB JESOWARA,
RESIDENT OF STATION ROAD, (NEAR PUNJAB NATIONAL BANK,
CHAPARMUKH BRANCH),
POST OFFICE- CHAPARMUKH,
POLICE STATION- RAHA, DISTRICT- NAGAON,
ASSAM, PIN- 782425.

Advocate for the Petitioner : ALHAJJ I UDDIN, MR R HOQUE, MRS. R MOMTAZ

Advocate for the Respondent : MR. R ALI, MR M KALITA

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI
ORDER

18.03.2026

Heard Mr. AI Uddin, the learned counsel for the petitioner. Also heard Mr. A Chetry the learned counsel for the respondent.

2. By way of this application under Section 24(5) of the CPC, 1908 read with Article 227 of the Constitution of India, the petitioner seeks transfer of TS(D) Case No.52/2022 instituted under Sections 13(1) (ia), (ib) of the Hindu Marriage Act, 1955, from the Court of the learned District Judge, Morigaon, to the Court of the learned District Judge at Nagaon and/or Hojai. The prayer is premised on the contention that the Court at Morigaon lacks territorial jurisdiction to entertain and try the proceeding instituted by the sole respondent.

3. It is the specific case of the petitioner that the respondent-wife, with an oblique intent to harass the petitioner and compel him to consent to dissolution of marriage, has falsely projected her residence as being within the jurisdiction of Morigaon and, on such basis, instituted the divorce proceeding before the learned District Judge at Morigaon.

4. The transfer has also been sought, *inter alia*, on the ground that the petitioner's mother, aged about 80 years, is suffering from various age-related ailments. The petitioner, being her only son and caregiver, faces considerable hardship in attending proceedings at Morigaon, which is approximately 140 kilometres away from his place of residence. It is contended that in such circumstances, the ends of justice warrant transfer of the proceeding.

5. Before advertng to the merits of the petition, it is pertinent to note that Mr. A. Chetry, learned counsel appearing for the respondent, has fairly submitted before this Court that he has received instructions not to oppose the prayer for transfer of the proceeding from the Court of the learned District Judge, Morigaon to that of the learned District Judge at Nagaon.

6. The power of transfer under Section 24 of the Code of Civil Procedure, 1908 is wide and discretionary, to be exercised to secure the ends of justice. While considering such a prayer, the Court is required to weigh the comparative convenience of the parties, the likelihood of prejudice, and the overarching requirement of ensuring a fair and effective adjudication. In matrimonial disputes, considerations of hardship and accessibility assume particular significance.

7. In the present case, apart from the plea relating to jurisdiction, the petitioner has demonstrated genuine hardship arising from his obligation to care for his aged and ailing mother, coupled with the considerable distance involved in attending proceedings at Morigaon. Significantly, the respondent has chosen not to oppose the present petition. In such circumstances, this Court is of the considered view that the balance of convenience and the ends of justice warrant transfer of the proceeding.

8. Accordingly, TS(D) Case No. 52/2022 pending before the Court of the learned District Judge, Morigaon, is hereby transferred to the Court of the learned District Judge at Nagaon.

9. The records of TS(D) Case No. 52/2022 shall forthwith be transmitted to the Court of the learned District Judge at Nagaon for proceeding in accordance with law.

10. The parties are directed to appear before the Court of the learned District Judge at Nagaon on **22.04.2026**.

11. The transfer petition stands disposed of accordingly.

JUDGE

Comparing Assistant