

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Transfer Appl. No. 117/2025

Varsha Swami Spouse/o Amit Kumar Swami, Aged About 24 Years, D/o Shri Madan Lal Swami, R/o Behind Vivek Bal Niketan School, Bhaaton Ka Bass, Bikaner, Rajasthan.

-----Petitioner

Versus

Amit S/o Shri Gajanand, R/o Vivekanand Nagar, Ward No. 22, Shekhawat Hospital Ke Piche, Suartgarh.

-----Respondent

For Petitioner(s)	:	Mr. Aman Bishnoi Bola
For Respondent(s)	:	Mr. Surya deep

HON'BLE MR. JUSTICE FARJAND ALI

Order

26/08/2025

1. By way of filing the instant transfer application under Section 24 of the CPC, the petitioner, wife of the respondent, seeks transfer of Application No.118/2024 filed under Section 9 of the Hindu Marriage Act, 1955 currently pending before the Court of Additional District Judge, Suratgarh, District Sri Ganganagar to the Family Court No.1, Bikaner.
2. An application has been preferred on behalf of the petitioner under Order 6 rule 17 read with Section 151 of the CPC seeking to amend ground A of the transfer petition. Since the error occurred due to a typographical mistake and it was a bonafide error, therefore, the application is allowed and the petitioner is permitted to amend ground A of the petition.

3. Learned counsel for the petitioner submitted that the respondent has filed an application under Section 9 of the Hindu Marriage Act before the Court of Additional District Judge, Suratgarh, District Sri Ganganagar. It is contended that the petitioner is presently residing at Bikaner. It is very difficult for her to travel approximately 174 kms on each and every date of hearing to attend the proceeding initiated by the respondent at Suratgarh and there is no other member in the family to come with the applicant to attend the dates of hearing. Therefore, it is prayed that the said case be transferred from Suratgarh to Bikaner for the convenience of the applicant.
4. The respondent has been served and learned counsel Mr. Surya Deep has put in appearance on his behalf. He vehemently opposed the prayer made on behalf of the petitioner and submits that such an order would cause great inconvenience to the respondent.
5. Heard the learned counsel for the applicant, learned counsel for the respondent and meticulously perused the record.
6. The Hon'ble Supreme Court in ***Vinisha Jitesh Tolani @ Manmeet Laghmani v. Jitesh Kishore Tolani, 2010 (1) WLC (SC) 705***, has held that in matrimonial disputes instituted by the husband against the wife, the court must consider the convenience of the wife in contesting the proceedings. Consequently, matrimonial matters ought to be

adjudicated at a forum proximate to the wife's residence to minimize undue hardship.

7. Having regard to the aforementioned judicial pronouncement, the facts and circumstances of the present case, and the cogent grounds advanced in the transfer petition, this Court finds it just and expedient to allow the petition. Accordingly, Application No.118/2024 filed under Section 9 of the Hindu Marriage Act, 1955 by the respondent currently pending before the Court of Additional District Judge, Suratgarh, District Sri Ganganagar is hereby ordered to be transferred to the Family Court No.1, Bikaner for adjudication.
8. Learned Additional District Judge, Suratgarh, District Sri Ganganagar is directed to transmit the entire case record forthwith to the Family Court No.1, Bikaner. Additionally, he is further instructed to compile and list all matrimonial and related cases pending, if any, between the parties before the said court, both on the date of transfer and thereafter, to facilitate consolidated and efficient disposal.
9. It is further directed that if any case relating to the matrimonial dispute between the present parties is pending before any court in Bikaner, the Presiding Officer of the said court shall fix hearing of the said case on the same date when the transferred case is posted so that no inconvenience

is caused to any of the parties. Such cases shall be proceeded simultaneously but separately.

10. The transfer petition is allowed in these terms.

11. The application for stay and any other pending applications filed in the instant matter, stand disposed of.

(FARJAND ALI),J

42-Pramod/-