

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

S.B. Civil Transfer Application No. 180/2024

Neha W/o Mayank Gupta, Aged About 32 Years, D/o Shri Krishan Kumar Rajgaria, R/o D-302, Daisy Tower, Shankara Residency Omex City, Ajmer Road, Dist. Jaipur (Raj.)

-----Petitioner

Versus

Mayank Gupta S/o Shri Surendra Kumar Gupta, Aged About 36 Years, R/o 7 B 15 Pawanpuri, South Extension, Dist. Bikaner (Raj.)

-----Respondent

Connected With

S.B. Civil Transfer Application No. 12/2025

Smt. Lalita W/o Shri Khushal Soni, Aged About 20 Years, D/o Shri Om Prakash R/o Sunaro Ka Vaas Asotara District Barmer Rajasthan

-----Petitioner

Versus

Khushal Soni S/o Shri Ghanshyam Soni, Aged About 21 Years, R/o 301 Vardhman Nagar-A Fauji Area Ke Samne Vardhman Nagar Ajmer Road Jaipur Rajasthan

-----Respondent

S.B. Civil Transfer Application No. 161/2025

Dhiraj Kanwar Spouse/o Mahesh Pratap Singh, Aged About 27 Years, D/o Prahlad Singh, Resident Of 218/8, Pahad Ganj Second, Lal Sagar Road, Jodhpur, At Present Near Jain Mata Temple, Near Agarwal College, Merta City, District Nagaur (Rajasthan)

-----Petitioner

Versus

Mahesh Pratap Singh S/o Himmat Singh, Aged About 28 Years, Resident Of 218/8, Pahad Ganj Second, Lal Sagar Road, Jodhpur, (Rajasthan)

-----Respondent

S.B. Civil Transfer Application No. 209/2025

Pallavi W/o Kuldeep Chaturvedi, Aged About 33 Years, D/o Shri Late Shri Vasudev R/o Welcom Ji Ka Makan, Motor Garage, Prem Nagar, Badke Balaji, Tehsil And District Jhalawar (Raj)

----Petitioner

Versus

Kuldeep Chatruvedi S/o Shri Kedarnath Chaturvedi, Aged About 41 Years, R/o Mishro Ji Ke Pepli, Police Station Chandoriya, Tehsil And District Chittorgarh (Raj)

----Respondent

S.B. Civil Transfer Application No. 238/2025

Deepika Singariya W/o Ishwar Chouchan, Aged About 36 Years, D/o Madanlal Singariya R/o Sanjay Colony In Front Of Royal Garden Ratakhet Rampura Road District Udaipur

----Petitioner

Versus

Ishwar Chouchan S/o Deviram Chouchan, Aged About 39 Years, Saint Ravidas Colony Gingoli Road Tehsil Prabatsar District Didwana Kuchaman

----Respondent

S.B. Civil Transfer Application No. 248/2025

Shivani W/o Vikas Khatri, Aged About 32 Years, D/o Vedprakash Chhabra R/o Ward No 4 Chandni Chowk Purani Abadi Sri Ganganagar

----Petitioner

Versus

Vikas Khatri S/o Jagdish Khatri, Aged About 39 Years, House No. 849 Near Khairpur Bhawan Kamla Colony Bikaner

----Respondent

For Petitioner(s)	:	Mr. Falgun Buch (in TA No. 180/24) Mr. Bajrang Singh (in TA No. 12/25) Mr. D.S. Shekhawat (in TA No. 161/25) Mr. Vaibhav Bang with Ms. Muskan Jangid (in TA No. 209/25) Mr. Mahipal Singh Charan (in TA No. 238/25) Mr. Jayant Garg (in TA No. 248/25)
For Respondent(s)	:	Mr. Bharat Shrimali (in TA No. 238/25)

HON'BLE MS. JUSTICE REKHA BORANA

Order

09/02/2026

1. As all these transfer applications arise out of similar circumstances and involve common questions of law, they are being decided by this common order.
2. All the petitions have been preferred by the petitioner–wife seeking transfer of proceedings instituted by the respondent–husband under various provisions of the Hindu Marriage Act, 1955 to the Court within whose jurisdiction the petitioner–wife is presently residing/working.
3. The petitioners in the respective applications have invoked the jurisdiction of this Court under Section 24 of the Code of Civil Procedure, praying that the various proceedings pending before different Courts be transferred to the place of their residence/workplace. Although the factual matrix in each petition varies, the grounds raised by the Petitioner wives are substantially common and relate to the hardships faced by them in attending proceedings at distant forums.
4. In all the present petitions, service upon the respondents stand duly complete. However, despite completion of service, none has

appeared on behalf of the respondents in CTA Nos. 180/24, 12/25, 161/25, 209/25 and 248/25.

5. In some of the petitions, it has been urged that the petitioner-wife, being a woman with minor child/children solely under her care, faces grave difficulty in travelling long distances, particularly in the absence of any family member to accompany her, rendering such travel with minors practically impossible. In some matters, the petitioner-wife has asserted that she is financially dependent upon her parents, lacking any independent source of income. In some, it has been averred that they reside with their ailing or aged parents, who require constant supervision.

6. While in other matters, it has additionally been submitted that the petitioner-wife has already instituted proceedings against her husband under Section 125 Cr.P.C./Section 144 BNSS/Section 9 or 13 of The Hindu Marriage Act, 1955/Section 12 of The Protection of Women from Domestic Violence Act, 2005/offences under Indian Penal Code, at the place where she is presently residing. It is urged that, despite the pendency of these proceedings, the respondent-husband has instituted a separate case in another district/city/town only with the intent to cause harassment. In these circumstances, it would be extremely difficult and practically impossible for her to attend the proceedings before the Court chosen by the husband.

7. Heard the Counsels.

8. It is a well-settled proposition of law that in matrimonial matters generally, it is wife's convenience which must be looked at while considering the plea of transfer. In ***N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha, (2022 INSC 1310)*** (decided on 18.07.2022), the Hon'ble Apex Court held as under:

" The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. **Given the prevailing socio-economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.**"

9. So far as the ground of the minor child/children being in the care and custody of the petitioner-wife is concerned, the Courts have consistently held that inconvenience is more on the part of the woman and she cannot be expected to travel long distances either while accompanying the minor or while leaving them in the care of others, to attend the proceedings regularly. Hon'ble the Apex Court in the case of **Reena Bahri v. Ajay Bahri, (2002) 10 SCC 136** held as under:

"2. The wife has a child, approximately three years old, with her in Bombay. She avers that she has no source of income and no one to travel with her from Bombay to Delhi. In the circumstances, she is unable to satisfactorily defend the divorce petition. It is contended on behalf of the husband that the transfer petition should be dismissed, and that he will pay for the wife's transport between Bombay and Delhi along with an escort, whenever required, as also pay for the travel of her witnesses in the matrimonial proceedings.

3. This misses two points. The first relevant circumstance is that there is a very small child with the wife in Bombay and the second is that the wife does not have anybody

who can conveniently accompany her to Delhi. Apart from this, as is shown by the counter, there are already proceedings in Bombay which the husband has to defend. We think, in the circumstances, that the transfer petition should be allowed."

10. With respect to the plea of financial constraints, the petitioner-wife having no independent source of income, and further, old/ailing parents under care, it has been observed in several decisions that compelling a woman with limited means to travel long distances on each date of hearing would result in undue hardship. Hon'ble the Apex Court in the case of ***Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap, (2016 INSC 504)*** held as under:-

"3. According to the Appellant, her mother is aged and it is difficult for her mother to accompany the Appellant for her travel to Mumbai. It is also stated that there are three criminal cases-one for maintenance, the second under the Prevention of Domestic Violence Act, 2005 and the third Under Section 498A of The Indian Penal Code, 1860 and other related provisions, pending at Barshi, and one on the civil side for restitution.

...

5. Admittedly, the distance between Mumbai and Barshi is around 400 kilometres. Four cases between the parties are pending at Barshi. Apparently, the comparative hardship is more to the appellant-wife. This aspect of the matter, unfortunately, the High Court has missed to take note of.

6. No doubt, the said evidence can be recorded on appearance of the petitioner either physically or by virtual mode but keeping in mind the over all situation and the facts and circumstances of the case, we consider it proper to transfer the subject-case as

asked for by the petitioner-wife so that no prejudice is caused to the petitioner-wife."

11. Similar view was expressed by the Hon'ble Apex Court in ***Leena Mukherjee Vs. Rabi Shankar Mukherjee, (2002) 10 SCC 480*** :

"The petitioner is a resident of Durgapur, District Burdwan, West Bengal. She states that she is a distressed woman without any financial resources and that with the meagre income which she gets by way of maintenance, it is not possible for her to travel from Durgapur to Delhi to prosecute the case. She also submits that there is nobody to accompany her to Delhi. The above fact is not traversed in the counter affidavit. Having regard to the circumstances, we think that it would be appropriate to order transfer of the matrimonial suit from the Court of the Additional District Judge, Delhi."

12. So far as the plea of long-distance travel and the resultant inconvenience to the petitioner-wife is concerned, Bombay High Court, recently, while allowing the transfer petition in the case of ***Archana Dattatray Jagtap vs Dattatray Chandev Jagtap, (2025 SCC OnLine Bom 3920)***, held as under:

"6. Considering the law as laid down by the Supreme Court in the aforementioned judgments and the facts of the present case, where the distance between Malshiras, District Solapur, and Belapur is around 300 kms, in my view, it is inconvenient for the wife to travel 300 kilometres to attend the hearing and then return the same day, travelling 300 kms. To do so, she would have to stay overnight at Belapur to attend the proceedings filed by the husband. She has also filed three proceedings before the Court of Malshiras, District Solapur. Hence, I am

convinced that the transfer application deserves to be allowed."

13. Section 24 of the Code of Civil Procedure reads as under:-

"24. General power of transfer and withdrawal -

(1) On the application of any of the parties and after notice to the parties and after hearing such of them as desired to be heard, or of its own motion without such notice, the High Court or the District Court may at any stage,-

(a) transfer any suit, appeal or other proceeding pending before it for trial or disposal to any Court subordinate to it and competent to try or dispose of the same; or

(b) withdraw any suit, appeal or other proceeding pending in any Court subordinate to it; and

(i) try or dispose of the same; or

(ii) transfer the same for trial or disposal to any Court subordinate to it and competent to try or dispose of the same; or

(iii) retransfer the same for trial or disposal to the Court from which it was withdrawn.

(2) Where any suit or proceeding has been transferred or withdrawn under sub-section (1), the Court which [is thereafter to try or dispose of such suit or proceeding] may, subject to any special directions in the case of an order of transfer, either retry it or proceed from the point at which it was transferred or withdrawn.

(3) For the purposes of this section,-

(a) Courts of Additional and Assistant Judges shall be deemed to be subordinate to the District Court;

(b) "proceeding" includes a proceeding for the execution of a decree or order.

(4) The Court trying any suit transferred or withdrawn under this section from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.

(5) A suit or proceeding may be transferred under this section from a Court which has no jurisdiction to try it."

14. This Court observes that, in the ordinary course, transfer petitions instituted before this Court often remain pending for considerable periods, primarily on account of the other party evading service. In several matters, interim protection granted by this Court results in the matrimonial proceedings before the concerned Court remaining stalled for years.

15. In view of the aforesaid circumstances, and in order to secure the ends of justice as well as to ensure expeditious disposal of the proceedings, this Court considers it appropriate to exercise its powers under Section 24 of the Code of Civil Procedure. Accordingly, all the present transfer applications are **allowed** for the reasons analysed in the preceding paras.

16. Consequently, in each of the petitions noted hereinabove, the Court from which the case is being transferred and the Court to which it stands transferred are indicated as under:

S.No.	Civil Transfer Application Number & Title	Case Number (Family Court/ Trial Court)	Court where the case is pending	Court where the case is transferred
1.	CTA 180/2024 (Neha Vs. Mayank Gupta)	Divorce Petition No. 161/2024 (Mayank Gupta Vs. Neha Gupta)	Family Court No. 01, Bikaner	Family Court No.1, Jaipur Metropolitan
2.	CTA 12/2025 (Smt. Lalita Vs. Khushal Soni)	Case No. 397/2024 (Khushal Soni Singh Vs. Smt. Lalita)	Family Court No. 4, Jaipur Metropolitan	Family Court, Balotara
3.	CTA 161/2025 (Dhiraj Kanwar Vs. Mahesh Pratap Singh)	Case No.443/2025 (Mahesh Pratap Singh Vs. Smt. Dhiraj Kanwar)	Family Court No.02, Jodhpur	Family Court, Merta, Nagaur
4.	CTA 209/2025 (Pallavi Vs. Kuldeep Chatruvedi)	Case No.167/2025 (Kuldeep Vs. Pallavi)	Family Court, Chittorgarh	Family Court, Jhalawar

5.	CTA 238/2025 (Deepika Singariya Vs. Ishwar Chouchan)	Case No.35/2025 (Ishwar Chouchan Vs. Deepika Singariya)	Additional District and Session Judge, Prabatsar, Didwana Kuchaman	Family Court No.1, Udaipur
6.	CTA 248/2025 (Shivani Vs. Vikas Khatri)	Matrimonial Case No.223/2025 (Vikas Khatri Vs. Shivani)	Family Court No.01, Bikaner	Family Court No.1, Sri Ganganagar

17. The transferor Court is directed to transmit entire record of the transferred matter to the transferee Court within a period of two weeks of receipt of the certified copy of the present order while fixing the next date for appearance of both the parties before the transferee Court.

18. Both the parties shall remain present before the transferee Court on the date as fixed by the transferor Court and the transferee Court shall not be under an obligation to issue fresh notices to any of the parties. Only in cases where the other party remained unserved or is proceeded *ex-parte*, the transferee Court shall be under an obligation to issue fresh notices to the respondent and act further in accordance with law.

19. Let a certified copy of the present order be sent forthwith to all the transferor as well as transferee Courts.

20. Stay applications and all pending applications, if any, stand **disposed of.**

(REKHA BORANA),J