

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

S.B. Civil Transfer Appl. No. 165/2025

Jyoti Goswami W/o Shri Yuvrajgiri Goswami, Aged About 28 Years, D/o Shri Ramkumar Puri, R/o Shiv Guru Kripa Mess, Shiv Mandir Ke Pass, Gandhinagar Vigyannagar, Kota, Rajasthan.

-----Petitioner

Versus

Yuvrajgiri Goswami S/o Shri Hansraj Goswami, Aged About 36 Years, R/o Kalindi Vihar, Kankroli, Tehsil And District Rajsamand, Rajasthan.

-----Respondent

For Petitioner(s)	:	Ms. Komal R. Verma with Mr. Dilip Vidoya
For Respondent(s)	:	Mr. Jitendra Choudhary

HON'BLE MS. JUSTICE REKHA BORANA

Order

11/02/2026

1. The present transfer application has been filed with a prayer for transfer of application under Section 13 & 25 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'Act of 1955') as well as application under Section 24 of Act of 1955 as filed by the respondent husband before the Family Court, Rajsamand to the Family Court at Kota.
2. It has been averred that the petitioner is a regular student pursuing her studies of B.A.-B.Ed. in a college at Kota and hence, it is not possible for her to regularly attend the court dates for hearing. It has further been averred that she is facing financial constraints too in attending the proceedings at Rajsamand.
3. Per contra Counsel for the respondent submits that the sole ground of the petitioner being a student does not entitle her to get

the proceedings pending at Rajsamand to be transferred to Kota. So far as financial constraints are concerned, he submits that the petitioner is financially stable and is earning handsome income from her tiffin business. Counsel submits that it is rather the respondent, who has moved an application for maintenance from the petitioner wife.

4. Heard the Counsels. Perused the record.

5. It is an admitted fact that the petitioner is pursuing her studies at Kota. Hence, travelling long distance and arranging for overnight stay at Rajsamand definitely poses both financial strain and safety concerns. That apart, travelling of the petitioner on every date to Rajsamand would definitely hamper her studies.

6. It is well-settled by Hon'ble the Apex Court that in matrimonial matters, generally it is wife's convenience which must be looked at while considering the application for transfer. In ***N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha (2022 INSC 1310)***, it was held as under:

"9. 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."

7. Keeping in view the above ratio, the present transfer application is **allowed** and it is ordered that Civil Misc. Case No. 95/2025; Yuvrajgiri Vs. Jyoti (under Sections 13 & 25 of the Act of 1955) as well as Case No. 96/2025; Yuvrajgiri Vs. Jyoti (under Section 24 of Act of 1955) both filed by the respondent, be transferred from Family Court, Rajsamand to Family Court, Kota for trial and disposal in accordance with law.
8. The learned Family Judge, Rajsamand is directed to transmit the entire record of the above cases to the transferee Court at Kota within a period of two weeks from the receipt of the certified copy of the present order while fixing the next date in the matter.
9. The petitioner as well as the respondent shall remain present before the Family Court, Kota on the date as fixed and the transferee Court shall not be under an obligation to issue fresh notices to any of the parties as the present order has been passed in presence of Counsel for both the parties.
10. Let a certified copy of the present order be sent each to the Family Court, Rajsamand and the Family Court, Kota.
11. Stay application also stands **disposed of**.

(REKHA BORANA),J