

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



S.B. Civil Transfer Appl. No. 260/2024

Smt. Anjul Sharma W/o Rishi Sharma, Aged About 45 Years, D/o Late Shri Deenanath Ji, R/o House No.2, Dps Colony, Sanchi Enclave, Bhuwana-Pratapnagar, By Pass, Udaipur, Rajasthan.

-----Petitioner

Versus

Rishi Sharma S/o Shri Nandkishore Ji Sharma, Aged About 46 Years, R/o House No.131, Kailash Nagar, Chamti Kheda Road, Chittorgarh, Tehsil And District Chittorgarh, Rajasthan.

-----Respondent

and

S.B. Civil Transfer Appl. No. 127/2025

Pankti Alias Rama D/o Shree Ram Sharma, Aged About 22 Years, Resident Of Village Bandva, Tehsil Rajaldesar, District Churu (Rajasthan) Aadhar Number 3276 3656 2607. Mobile number 9352814080

-----Petitioner

Versus

Rajveer Alias Marutinandan S/o Shree Vinodkumar Pujari, Aged About 24 Years, R/o Ward Number 9, Ratangarh Road, Salasar, Tehsil Sujangarh, District Churu (Rajasthan) Aadhar Number 7486 0463 7850 Mobile Number 9079999212

-----Respondent

S.B. Civil Transfer Appl. No. 175/2025

Smt. Bhavya Alias Rinku Kanwar W/o Dushyant Singh, Aged About 32 Years, D/o Ishwar Singh Rathore, R/o Village Aamla, Tehsil Phalodi, Jodhpur, Rajasthan.

-----Petitioner

Versus

Dhushyan Singh S/o Aanad Singh Bhati, R/o Haveli Guest House, Opposite Toorji Ka Jhalra, Makrana Mohalla, Ghantaghar, Jodhpur, Rajasthan.

-----Respondent

S.B. Civil Transfer Appl. No. 187/2025

Smt. Sapana Jain W/o Shri Kamlesh Kumar, Aged About 35 Years, R/o Flat No. 102, Marudhar Kesari Apartment, Mohanpura Puliya, Dist. Jodhpur,raj.

-----Petitioner

Versus

Shri Kamlesh Kumar S/o Shri Gyanchand Ji, Aged About 49 Years, Resident Of Ramdev Road, Opposite To Rajasthan Marudhara Gramin Bank, District Pali (Raj)

-----Respondent

S.B. Civil Transfer Appl. No. 252/2025

Smt. Priyanka Kanwar W/o Yashvardhan Singh, Aged About 34 Years, D/o Shree Tribhuvan Singh Residing At Village Gunrala Tehsil And District Bhilwara.

-----Petitioner

Versus

Yashvardhan Singh S/o Shree Brijpal Singh, Aged About 31 Years, 8-A-Village Indroka, Tehsil And District Jodhpur.

-----Respondent

S.B. Civil Transfer Appl. No. 262/2025

Smt. Divya Sharma W/o Kailash Sharma, Aged About 31 Years, D/o Shri Moolchand Sharma ,r/o Khetaram Ji Ki Pyau, Sai Baba Road, Tehsil Pali District Pali Raj.

-----Petitioner

Versus

Kailash Sharma S/o Shri Ishwar Lal Sharma, Aged About 33 Years, R/o Old Jatawas, Barmer Tehsil And District Barmer Raj.

-----Respondent

S.B. Civil Transfer Appl. No. 283/2025

Smt. Anita D/o Shri Deeparam, Aged About 32 Years, R/o 4,

Janta Colony, Pali, Ps Transport Nagar, Pali, Tehsil And District
Pali, Rajasthan

----Petitioner

Versus

Suresh Choudhary S/o Shri Chunaram, R/o Hariyamali, Ps
Bagadinagar, Tehsil Sojat, District Pali, Rajasthan.

----Respondent

S.B. Civil Transfer Appl. No. 329/2025

Smt. Saroj Kumari Teli W/o Shri Vishal Sahu And D/o Shri
Bherulal Sahu, Aged About 27 Years, R/o Tehnal Gate,
Shahpura, Police Station Shahpura, District Bhilwara Raj.

----Petitioner

Versus

Vishal Sahu S/o Shri Vriddhi Chand Sahu, R/o Mehndi Baag,
Teliyon Ki Gali, Police Station Kotwali, Tonk, Tehsil And District
Tonk Raj.

----Respondent

S.B. Civil Transfer Appl. No. 332/2025

Smt. Sanju Alias Sundari W/o Shri Mohan Ram, Aged About 28
Years, D/o Shri Rupa Ram Bhati, R/o Village-Khichan, Near Bird
Feeding Centre, Khichan, Tehsil District-Phalodi Raj..

----Petitioner

Versus

Mohan Ram S/o Shri Papu Ram, R/o Village-Bada Kotecha,
Police Station-Mathaniya, District-Jodhpur Raj.

----Respondent

S.B. Civil Transfer Appl. No. 23/2026

Farzana W/o Imran Khan, Aged About 23 Years, Resident Of
Ward No. 06, Aradki Road, Near Shanimandir, Nohar Tehsil
Nohar District Hanumangarh.

----Petitioner

Versus

Imran Khan S/o Zakir Hussain, Aged About 36 Years, Resident
Ofward No. 24, Shitala Bazar, Rajgarh Tehsil Rajgarh District
Churu.

-----Respondent

S.B. Civil Transfer Appl. No. 163/2022

Shobha Kunwar W/o Shri Shailendra Singh, Aged About 30
Years, D/o Shri Puran Singh Deora, R/o Village Viroli Post
Sanwar Via Veerwara, Pindwara, Distt. Sirohi (Raj.)

-----Petitioner

Versus

Shailendra Singh S/o Shri Parabat Singh, Aged About 25 Years,
R/o Rawali Pol, Bagol, Distt. Pali (Raj.)

-----Respondent

For Petitioner(s)	: Mr. Chirag Mathur for Mr. Akshat Verma (in TA No.260/2024) Mr. Sawai Singh (in TA No.127/2025) Mr. Hardik Gautam (in TA No.175/2025) Mr. Deepak Chandak (in TA No.187/2025) Mr. Dilip Singh Baghela (in TA No.252/2025) Mr. A.D. Ujjwal (in TA No.262/2025) Mr. R.C. Joshi (in TA No.283/2025) Mr. Naresh Singh for Mr. Rakesh Arora (in TA Nos.329/2025 & 332/2025) Mr. Rahul Bishnoi for Mr. Jaidev Singh (in TA No.23/2026) Mr. Rajesh Shah (in TA No.163/2022)
For Respondent(s)	: Mr. S.K. Dadhich (in TA No.127/2025) Mr. Rajpal Singh Rathore for Mr. Jog Singh Bhati (in TA No.175/2025) Ms. Mitali Vaishnav for Mr. Jitendra Ojha (in TA No.187/2025) Ms. Ranjana Singh (in TA No.252/2025) Mr. Manvendra Bhati (in TA No.283/2025) Mr. Neeraj Kumar Gupta (in TA No.329/2025) Mr. Akash Goyal & Mr. Vikram Singh Bhati (in TA No.332/2025) Mr. Virendra Acharya (in TA

No.23/2026)
Mr. Kapil Purohit(in TA No.163/2022)

HON'BLE MS. JUSTICE REKHA BORANA

Order

27/03/2026

1. As all these transfer petitions 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/Dissolution of Muslim Marriages Act, 1939 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 No. 260/24 & 262/25.

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 9/13(A)/24 of Hindu Marriage Act, 1955/Sections 12 & 23 of The Protection of Women from Domestic Violence Act, 2005/Section 125 Cr.P.C/Section 144 BNSS/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:

*"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.**"*

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. Further, with regard to appearance through video conferencing is concerned, Hon'ble the Apex Court in the case of ***P. Prashanti Vs. P.V. Nandakumar, Transfer Petition (Civil) No. 1281/2024*** (decided on 06.01.2025) observed as under:

"3. Considering the fact that the petitioner-wife has two minor children, a boy and a girl to look after and that she is residing at Gurugram, Haryana, she has immense difficulty in attending court proceedings at Visakhapatnam, it would be expedient in the ends of

justice to transfer the subject-case as asked for by the petitioner-wife.

4. *The Transfer Petition stands allowed accordingly.*

5. *The Court where proceedings are pending shall transfer the records to the transferee Court promptly and without any delay.*

6. *Liberty is granted to the respondent to appear through video conferencing, in view of his medical condition, until and unless his physical presence is absolutely necessary."*

14. 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.”

15. 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.

16. 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.

17. 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 to which the case is transferred
1.	CTA 260/2024 (Smt. Anjul Sharma Vs. Rishi Sharma)	Case No. 59/2024 (Rishi Sharma Vs. Smt. Anjul Sharma)	Special Judge, Family Court, Chittorgarh	Family Court No.1, Udaipur
2.	CTA 127/2025 (Pankti @ Rama Vs. Rajveer @ Marutinandan)	Case No.134/2024 (Rajveer @ Marutinandan Vs. Pankti @ Rama)	Additional District Judge, Ratangarh, District Churu	Family Court No.4, Jaipur Metropolitan

3.	CTA 175/2025 (Smt. Bhavya @ Rinku Kanwar Vs. Dhushyam Singh)	Case No. 277/2021 (Dushyant Singh Vs. Smt. Bhavya)	Family Court No.02, Jodhpur	Additional District Judge No.1, Phalodi
4.	CTA 252/2025 (Smt. Priyanka Kanwar Vs. Yashvardhan)	Civil Misc. Case No.05/2025 (Yashvardhan Singh Vs. Smt. Priyanka Kanwar)	Family Court No.02, Jodhpur	Additional District Judge, Gangapur, Bhilwara
5.	CTA 262/2025 (Smt. Divya Sharma Vs. Kailash Sharma)	Civil Case No. 160/2025 (Kailash Sharma Vs. Divya Sharma)	Additional District Judge No.1, Barmer	Family Court, Pali
6.	CTA 283/2025 (Smt. Anita Vs. Suresh Choudhary)	Case No. 117/2025 (Suresh Choudhary Vs. Anita)	Additional District Judge, Sojat	Family Court, Pali
7.	CTA 329/2025 (Smt. Saroj Kumari Teli Vs. Vishal Sahu)	Application No. 222/2025 (Vishal Sahu Vs. Smt. Saroj Kumar Teli)	Family Court, Tonk	Additional District Judge, Shahpura, District Bhilwara
8.	CTA 332/2025 (Smt. Sanju @ Sundari Vs. Mohan Ram)	Family Misc Case No. 890/2025 (Old No. 903/2025) (Mohan Ram vs. Sanju @ Sundari)	Family Court No.1, Jodhpur Metro	Additional District Judge, Phalodi
9.	CTA 23/2026 (Farzana Vs. Imran Khan)	Case No. 51/2025 (Imran Khan Vs. Farzana)	Civil Judge Rajgarh, District Churu	Civil Judge Nohar, District Hanumangar h
10.	CTA 163/2022 (Smt. Shobha Kunwar Vs. Shri Shailendra Singh)	Civil Original Case No. 72/2021 (Shailendra Singh Vs. Shobha Kunwar)	Family Court, Bali	Family Court, Sirohi
11.	CTA 187/2025 (Smt. Sapna Jain Vs. Shri Kamlesh Kumar)	Civil Misc. Case No. 80/2025 (Kamlesh Kumar Vs. Smt. Sapana Jain)	Family Court, Pali	Family Court No.2, Jodhpur

18. 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.

19. 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.

20. Needless to observe that if any application is filed by the respondent-husband with a request to permit him to appear through Video Conferencing, the learned Court shall be at liberty to decide the same keeping into consideration the fact whether the physical appearance of the respondent is essential on the each date or not.

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

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

(REKHA BORANA),J