

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

S.B. Civil Transfer Application No. 299/2025

Smt. Saroj W/o Shri Mukesh Kharkhodiya, Aged About 37 Years,
D/o Shri Shiv Kumar, R/o Near Umrao Plaza, Opposite Shiv
Dresses, Kothari Road, Sujangarh, District-Churu (Raj).

-----Petitioner

Versus

Mukesh Kharkhodiya S/o Shri Gopal Ram, R/o 3-E-76, Jay
Narayan Vyas Colony, Bikaner, District-Bikaner (Raj).

-----Respondent

For Petitioner(s)	:	Mr. Hardik Gautam
For Respondent(s)	:	-

HON'BLE MR. JUSTICE FARJAND ALI

Order

05/05/2026

1. By way of the instant transfer application, the petitioner, wife of the respondent, seeks transfer of Family Misc. Case No.270/2025, currently pending before the learned Family Court No.1, Bikaner (hereinafter to be referred as "Court X") to the court of learned Addl. District Judge, Sujangarh, District Churu (hereinafter to be referred as "Court Y").
2. Learned counsel for the petitioner submitted that the respondent has instituted proceedings under Section 13(1) (A) of the Hindu Marriage Act before Court X. It is contended that the petitioner is presently residing with her family at the place where Court Y is situated. It is very difficult for her to travel approximately 182 kms on each and every date of hearing to attend the proceeding initiated by the respondent before Court X. And there is no other

member in the family to come with the applicant to attend the dates of hearing. Therefore, it is respectfully prayed that the said case be transferred from Court X to Court Y for the convenience of the applicant

3. As per office report, notice upon the respondent has been served but no one appeared.
4. Having heard the learned counsel for the applicant and meticulously perused the record.

4.1. 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.

5. 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, Family Misc. Case No.270/2025, currently pending before the Court X, is hereby ordered to be transferred to the Court Y, for adjudication.

5.1. The learned Judge, Court X, is directed to transmit the entire case record forthwith to the Court of the learned Judge, Court Y. Additionally, he is further instructed to

compile and list all matrimonial and related cases pending, if any, between the parties before the Court X, both on the date of transfer and thereafter, to facilitate the parties by listing all the cases on one hearing dates in day during the entire course of trial fixing different dates in different matters may cause serious inconvenience to the parties.

6. In light of the above, the transfer petition is allowed. Consequently, the above mentioned case number shall proceed exclusively before the Court of learned Judge, Court Y.
7. The application for stay, along with any other pending applications filed in the instant matter, stand disposed of accordingly.

(FARJAND ALI),J