

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

S.B. Civil Transfer Appl. No. 323/2025

Priyanka Spouse/o Ashish Kumar, Aged About 29 Years, D/o Mahendra Tailor, R/o Ward No 23 Shiv Colony, Aseri Gate Ke Piche, Churu (Raj). At Present Central School Radhakrishan Pura, Police Thana, Udhyog Nagar, Sikar, Rajasthan.

----Petitioner

Versus

Ashish Kumar S/o Shri Ummed Singh, Aged About 29 Years, Aseri Guest House Ke Piche, Shiv Colony, At Present Gandhi Colony, Churu, Rajasthan

----Respondent

For Petitioner(s)	: Mr. Om Rajpurohit
For Respondent(s)	: Mr. Gaurav Ranka for Mr. Muktesh Maheshwari

HON'BLE MS. JUSTICE REKHA BORANA

Order

28/03/2026

1. The present transfer application has been filed with a prayer to transfer the matter from Family Court, Churu to Family Court Sikar where the petitioner is residing with her parents.
2. It has been submitted that the petitioner is required to take care of her minor child of 3 years and it would be practically impossible for her to accompany the child to Churu on every date of hearing.
3. Counsel for the respondent could not refute the above facts. However, in alternate, he submitted that the respondent be permitted to appear through virtual mode whenever his physical presence is not required for any specific purpose.

4. In view of the submissions made and in view of the fact that the petitioner is having a minor child under her care, this Court is of the opinion that it would be difficult for her to undertake long-distance travel for the purpose of attending the proceedings. The Hon'ble Apex Court in the case of ***P. Prashanti Vs. P.V. Nandakumar, Transfer Petition (Civil) No. 1281/2024*** (decided on 06.01.2025) while dealing with a similar circumstance, 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."

5. Keeping into consideration the above, the present application is **allowed**. Civil Original Case No.109/2025 (Ashish Kumar Vs. Priyanka) pending before Family Court, Churu is directed to be transferred to Family Court, Sikar.

6. 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 said date.

7. Family Court, Churu is directed to send the complete file/record of Civil Original Case No.109/2025 (Ashish Kumar Vs. Priyanka) to Family Court, Sikar 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 for appearance before the Court at Sikar.

8. The petitioner as well as the respondent shall remain present before Family Court, Sikar on the date as fixed and the Court at Sikar shall not be under an obligation to issue fresh notices to any of the parties as the present order is being passed in presence of Counsel for both the parties.

9. Let a certified copy of the present order be sent forthwith each to Family Court, Churu and Family Court, Sikar.

10. Stay petition and pending applications, if any, stand **disposed of.**

(REKHA BORANA),J