

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

TrP (C) No. 26/2023

Date of Pronouncement: 21.07.2026

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Binu Pandit D/o Durga Prasad Pandit
W/o Rahul Mattoo
R/o at present Flat No. 10, Block-129
Lane No. 21, Jagti Colony, Nagrota
Jammu.

.....Appellant(s)/Petitioner(s)

Through: Mr. P.N. Bhat, Sr. Advocate with
Ms. Urvashi Kichloo, Advocate.

V/s

Rahul Mattoo S/o Sh. Moti Lal Mattoo
At Present H. No. 442, Lane No. 09,
Gurha Colony Barnai, Jammu.
Presently Posted in Govt. Middle School,
Vedpora, Education Zone Kigam,
Tehsil Kigam, District Shopian.

..... Respondent(s)

Through: None.

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
21.07.2026

01. The present petition has been filed seeking transfer of a petition instituted by the respondent under Section 13(1) (ia) of the Hindu Marriage Act, 1955, titled "***Rahul Mattoo v. Binu Pandit***", presently pending before the Court of the learned District Judge (Matrimonial Court), Shopian, to a Court of competent jurisdiction at Jammu.
02. The petitioner submits that both parties are registered migrants with the Relief Organisation, Jammu, and have been residing at Jammu for the last about thirty years. It is pleaded that the respondent came to be appointed as a Teacher in District Shopian under the Prime Minister's Package in the

year 2010 and is stationed there only on account of his official posting. According to the petitioner, the divorce petition has been instituted at Shopian solely with a view to harass her and to secure an ex parte decree, knowing fully well that she would find it difficult to contest the proceedings there.

03. It is further averred that the petitioner continues to face security concerns and, being a migrant residing at Jammu, is unable to effectively prosecute or defend the proceedings before the Court at Shopian. It is also contended that the respondent is otherwise permanently residing at Jammu and is only temporarily stationed in the Valley because of his employment.
04. Learned counsel appearing for the petitioner further submits that other proceedings arising out of the matrimonial dispute between the parties are already pending before the competent Courts at Jammu.
05. The respondent has filed objections, contending that he is a permanent resident of District Shopian and is presently serving as a teacher in the said district. It is urged that the Court at Shopian possesses territorial jurisdiction to entertain the divorce petition. It is also stated that the petitioner resided with the respondent at Migrant Colony, C-4 Hawal, till May 2023 and shifted to Jammu only after matrimonial discord arose.
06. Despite filing objections, the respondent has chosen not to participate in the subsequent proceedings. When the matter was taken up for consideration, none appeared on his behalf.
07. I have heard learned counsel for the petitioner and perused the material available on record.

08. It is not in dispute that both parties are registered migrants and have been residing at Jammu. It also stands admitted that the respondent secured appointment as a Teacher under the Prime Minister's Package in the year 2010 and has been residing in the Valley only by virtue of such posting.
09. During the course of hearing, it has also been brought to the notice of this Court that proceedings under the Protection of Women from Domestic Violence Act, instituted by the petitioner, are pending before the competent Court at Jammu and that the respondent has been regularly appearing and contesting the said proceedings.
10. The admitted position, therefore, is that both parties are migrants. The petitioner is presently residing with her parents at Flat No. 10, Block No. 129, Jagti Colony, Nagrota, Jammu. Though the respondent has pleaded that the Court at Shopian has jurisdiction to entertain the divorce petition, it has also been brought to the notice of this Court that prior to his appointment under the Prime Minister's Package, he too was residing at Jammu as a migrant.
11. Once the respondent is already contesting the proceedings initiated by the petitioner before the competent Court at Jammu, no substantial prejudice would be caused to him if the matrimonial petition is also tried at Jammu. On the contrary, compelling the petitioner to contest the proceedings at Shopian, where the respondent is presently posted, would cause her considerable hardship and inconvenience, particularly in view of her migrant status and the security concerns projected by her.
12. It is a settled principle that while considering an application for transfer of matrimonial proceedings, the Court is required to weigh the comparative

convenience of the parties. Having considered the respective circumstances, this Court is satisfied that the inconvenience and prejudice likely to be suffered by the petitioner in defending the proceedings at Shopian far outweigh any inconvenience that may be caused to the respondent if the matter is transferred to Jammu, especially when he is already appearing before the Courts at Jammu in the connected proceedings.

13. In view of the aforesaid facts and circumstances, and there being no effective opposition to the present petition, this Court finds merit in the prayer for transfer.
14. Accordingly, the transfer petition is allowed. The petition under Section 13(1) (ia) of the Hindu Marriage Act, 1955, titled "**Rahul Mattoo v. Binu Pandit**", pending before the Court of the learned District Judge (Matrimonial Court), Shopian, is withdrawn from the said Court and transferred to the Court of the learned Principal Judge, Family Court, Jammu, for disposal in accordance with law. The learned Principal Judge shall be at liberty either to retain the matter on his own file or assign it to the Court of the Additional District Judge dealing with matrimonial matters at Jammu, as may be considered appropriate.
15. The learned District Judge, Shopian, shall forthwith transmit the entire record of the case to the transferee Court.
16. Upon receipt of the record, the transferee Court shall proceed with the matter from the stage at which it is received and shall endeavour to dispose of the case expeditiously in accordance with law.

17. Before proceeding further in the matter, the transferee Court shall ensure that due notice of the proceedings is served upon the respondent.
18. The transfer petition stands ***disposed of*** along with all connected applications, if any.

(Sanjay Parihar)
Judge

Jammu
21.07.2026
Renu

