

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/MISC. CIVIL APPLICATION (FOR TRANSFER) NO. 589 of 2025**

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VINABEN D/O NAGJIBHAI NAATDA

Versus

UDAY PRAVINBHAI MAKHELA

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Appearance:

MS RENU VERMA(5964) for the Applicant(s) No. 1

RULE SERVED for the Opponent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE MAULIK J.SHELAT**Date : 04/07/2025****ORAL ORDER**

1. The present application is filed seeking transfer of HMP No.1 of 2025 from the Court of 2nd Additional Senior Civil Judge, Jamnagar to the Family Court, Anand.
2. Heard learned Advocate Ms. Renu Verma for the applicant. Though served, none appears for the opponent.
- 2.1. Learned advocate Ms. Verma would submit that the applicant happens to be the wife of the opponent and the applicant has instituted Family Suit No.265 of 2024 under Section-11 of the Hindu Marriage Act before the Family Court, Anand, whereas the opponent has filed counter HMP No.1 of 2025 before the Court of Additional Senior Civil Judge, Jamnagar.
- 2.2. Learned Advocate Ms. Verma would further submit that

applicant is student residing with her parents and having no source of income of livelihood.

2.3. Learned advocate Ms. Verma would further submit that the HMP No.1 of 2025 is filed by the opponent which is pending before the concerned Court at Jamnagar. It is further submitted that the distance between Jamnagar and Anand is more than 340 kms one go and in such circumstances, it would be difficult for the applicant to attend the proceedings instituted by the opponent at Jamnagar. So, she would request this court to allow this application.

3. At the outset, it is required to be noted that facts which are mentioned in the present application remain uncontroverted, as none appears for the opponent.

4. At this stage, it would be fruitful to refer to the ratio laid down by the Hon'ble Supreme Court in the cases of :-

(i) Smita Singh Versus Kumar Sanjay reported in AIR 2002 SC 396; and

(ii) N.C.V. Aishwarya versus A.S. Saravana Karthik Sha reported in 2022 SCC OnLine SC 1199 : 2022 LiveLaw (SC) 627.

5. It also remains undisputed that the applicant is residing with her parents without any financial support from the opponent. Therefore, the inconvenience caused to the applicant is much more significant than that of the opponent, which cannot be

overlooked by this Court.

6. Lastly, it is also required to be observed that when there is proceeding pending before the concern Court at Anand, it would be desirable that present proceedings also be transferred.
7. It is open for the opponent to request the trial Court by making an appropriate application to keep all the proceedings on the same day. If such an application is made, the Family Court is requested to consider the same sympathetically.
8. In view of above, the HMP No.1 of 2025 is ordered to be transferred from 2nd Additional Senior Civil Court at Jamnagar to the Family Court, Anand. Upon transfer, the 2nd Additional Senior Civil Court at Jamnagar shall inform the parties and proceed with the matter in accordance with law. Rule is made absolute accordingly.

(MAULIK J.SHELAT,J)

Nilesh

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PARMAR NILESHKUMAR R(HCD0068), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 07/07/2025 11:43:44