

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/MISC. CIVIL APPLICATION (FOR TRANSFER) NO. 678 of 2026****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE MAULIK J.SHELAT**

Approved for Reporting	Yes	No
		No

CHHAYABEN W/O SANKETKUMAR CHAGANLAL PRAJAPATI AND D/O
JAGDISHBHAI HIRABHAI PRAJAPATI

Versus
SANKETKUMAR CHAGANLAL PRAJAPATI

Appearance:

MR JM BAROT(143) for the Applicant(s) No. 1

NOTICE SERVED for the Opponent(s) No. 1

CORAM: HONOURABLE MR. JUSTICE MAULIK J.SHELAT**Date : 31/07/2026****ORAL JUDGMENT**

1. This Court has issued notice to opponent, who is duly served but though served, no one appears for the opponent despite being given sufficient opportunity.

2. This application filed under Section 24 of Civil Procedure Code, 1908 (CPC) by the applicant-wife is seeking transfer of Family Suit No.164 of 2025 filed by opponent pending before the Family Court at Himmatnagar to the Family Court at Aravalli.

3. Heard Mr.J.M.Barot, learned advocate for the applicant at length.

3.1 Mr.Barot, learned advocate states that the applicant happens to be wife of the opponent residing at Jammusar,

Arvali whereas the opponent has filed family suit before the Family Court, Himmatnagar and the distance between Jammusar and Himmatnagar is 55 km which would cause great hardship and inconvenience to the applicant to attend the proceeding at Family Court, Himmatnagar, with her minor son.

3.2 Mr.Barot, learned advocate would submit that maintenance proceedings instituted by applicant against the opponent is also pending before the Family Court, Modasa, Arvali being Criminal Miscellaneous Application No.312 of 2025 and the opponent is required to attend these proceedings at Arvali.

3.3 Making the above submission, Mr.Barot learned advocate would request, this Court to allow the present application.

4. Considering the averments made in the application and on perusing the material on record, it appears that distance between Jammusar and Himmatnagar is around 55 km one way and in absence of maintenance it would cause great hardship and inconvenience to applicant to attend the proceedings at Himmatnagar that too keeping with her 1 and ½ yrs child. In addition thereof, as stated hereinabove, though notice issued by this Court has been served upon the opponent-husband on 13.04.2026 granting him ample opportunity, there is no representation from his side and, therefore, the averments made in the present application remain uncontroverted.

5. 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 - AIR 2002 SC 396 and (ii) N.C.V. Aishwarya versus A.S. Saravana Karthik Sha - 2022 SCC OnLine SC 1199 : 2022 LiveLaw (SC) 627.**

6. Thus, considering overall facts and circumstances of the case as also keeping in mind the inconvenience that may cause to the applicant *vis-à-vis* the opponent which is much higher, this Court is inclined to exercise discretion in favour of the applicant.

7. In the backdrop as aforesaid, present application succeeds and is allowed accordingly. Consequently, Family Suit No No.164 of 2025 pending before the Family Court Himmatnagar at Sabarkantha is ordered to be transferred to the Family Court at Modasa, Arvalli.

8. It is also open for the opponent to request the concerned Family Court to allow him to join the proceedings through video conferencing / online mode and if such a request is made by the opponent, the Family Court may consider the same unless the physical presence of the opponent is required to attend the proceedings at a particular stage of proceedings.

9. Accordingly, application is allowed.

(MAULIK J.SHELAT,J)

MISHRA AMIT V.