

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/MISC. CIVIL APPLICATION (FOR TRANSFER) NO. 1075 of 2025

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KINJAL KRUTARTH MARU
Versus
KRUTARTH MAHESHBHAI MARU

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Appearance:

MR. RAJU N DESAI(7029) for the Applicant(s) No. 1

MR PANKAJ R DESAI(3120) for the Opponent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE MAULIK J.SHELAT

Date : 19/09/2025

ORAL ORDER

1. Heard learned Advocate Mr. Pinakin Raval for learned Advocate Mr. Raju N. Desai for the applicant and learned Advocate Ms. Nasrin Shaikh for learned Advocate Mr. Pankaj R. Desai for the opponent.
2. Learned Advocate Mr. Raval for the applicant would submit that the applicant happens to be wife of opponent who instituted Family Suit before Family Court, Rajkot, whereas applicant has already instituted a maintenance proceeding under Section 125 of Criminal Procedure Code, 1973 before concerned court at Junagadh, which is pending for its adjudication.

- 2.1. Learned Advocate Mr.Raval would further submit that applicant is not getting any maintenance amount, and as a counter blast, the opponent has chosen to file Family Suit before Family Court, Rajkot.
- 2.2. Learned Advocate Mr. Raval would further submit that in absence of any means to attend the proceeding at Family Court, Rajkot and having dependent upon her parents, it would cause great inconvenience and hardship to the applicant to attend the proceeding instituted by the opponent.
- 2.3. Learned Advocate Mr. Raval states that in the Section-9 application filed by the opponent, if the applicant is ready and willing to come forward and reside with the opponent, the entire dispute can be resolved.
3. Learned Advocate Ms. Shaikh would state that opponent is unable to controvert the submissions made by learned Advocate Mr. Raval, inasmuch as no reply is filed by 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. At the same time, it is open for the opponent to appear before the Family Court through video conference, if he chooses to do so thereby, it would not be appropriate to transfer the proceedings.
7. Lastly, it is also required to be observed that when there is proceeding pending before the concern Court at Rajkot, it would be desirable that present proceedings also be transferred.
8. 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.

9. In view of above, the Family Suit No.717 of 2024 is ordered to be transferred from Family Court, Rajkot to the Family Court, Junagadh. Upon transfer, the Family Court, Rajkot shall inform the parties and proceed with the matter in accordance with law. Rule is made absolute accordingly.

(MAULIK J.SHELAT,J)

NRP

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 20/09/2025 17:48:53