

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/MISC. CIVIL APPLICATION (FOR TRANSFER) NO. 1110 of
2026

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE MAULIK J.SHELAT

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Approved for Reporting	Yes	No
		✓
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MINAXIBEN NAGJIBHAI CHAUHAN

Versus

RAMESHBHAI MAVJIHBHAI GOHIL

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Appearance:

HCLS COMMITTEE(4998) for the Applicant(s) No. 1

MS DHRUMA U VYAS(6850) for the Applicant(s) No. 1

SERVED BY AFFIX(N) for the Opponent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE MAULIK J.SHELAT

Date : 07/08/2026

JUDGMENT

1. Though this Court has issued notice to opponent, no one appears for the opponent despite being given sufficient opportunity. It appears that the opponent was served on 23.06.2026.

2. This Court, on 24.07.2026, passed the following order:-

*“Though served, none appeared for the opponent.
Hence, in the interest of justice, as a last chance, stand over to 07.08.2026.”*

3. This application filed under Section 24 of Civil Procedure Code, 1908 (CPC) by the applicant-wife is seeking transfer of Family Suit No.38 of 2025 filed by opponent pending before the concerned Family Court at Palitana to the Family Court at Botad.

4. Heard Ms. Dhurma Vyas, learned advocate for the applicant at length.

4.1 Ms. Vyas, learned advocate would submit that the applicant happens to be wife of the opponent residing at Botad along with her minor child, whereas the opponent has filed family suit before the concerned Family Court, Palitana, which is sought to be transferred. She would submit that it would cause great hardship to the applicant to attend the proceeding at concerned Family Court, Palitana.

4.2 It is submitted that the applicant has also filed an application seeking maintenance under Section 144 of BNSS as also filed an application under the Domestic Violence Act before the competent Court, at Barvala, Botad and thereafter, the aforesaid suit came to be filed by the opponent at concerned Family Court, Palitana. The opponent has also to attend the aforesaid proceedings filed by the applicant at competent Court at Botad.

4.3 Making the above submissions, Ms. Vyas, learned advocate would request, this Court to allow the present application.

5. At the outset, it is required to be observed that the averments made in the application are remained uncontroverted.

6. Apart from the aforesaid, considering the averments made in the application and on perusing the material on record, it would cause great hardship and inconvenience to the applicant to attend the proceeding instituted by opponent at Family Court, Palitana.

7. 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**.

8. 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, so this Court is inclined to exercise its discretion in favour of the applicant.

9. Needless to say that it is always 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 will be made by the opponent, the Family Court shall accept the same unless the physical presence of the opponent is required to attend the proceedings at a particular stage of proceedings.

10. In the backdrop as aforesaid, present application succeeds and is allowed. Consequently, Family Suit No.38 of 2025 filed by opponent pending before the concerned Family Court at Palitana is ordered to be transferred to the Family Court at Botad.

Lalji Desai

(MAULIK J.SHELAT,J)