

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/MISC. CIVIL APPLICATION (FOR TRANSFER) NO. 1496 of 2025

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE DEVAN M. DESAI

Approved for Reporting		Yes	No

BHARATI ALIAS TAANI DINESHBHAI PARVANI
 Versus
 LALIT KANAIYALAL RAMCHANDANI

Appearance:

MS DIMPLE A DHAMANI(12061) for the Applicant(s) No. 1
 DHARUVIN P BHUPTANI(8295) for the Opponent(s) No. 1

CORAM: HONOURABLE MR. JUSTICE DEVAN M. DESAI

Date : 27/03/2026

JUDGMENT

1. By way of the present application under Section 24 of the Code of Civil Procedure, 1908, (for short, "the Code"), the applicant – wife seeks transfer of suit being H.M.P. No. 588 of 2025, filed by the respondent – husband pending before learned Family Court, Vadodara to learned Family Court, Godhra at Panchmahals.

2. Heard learned advocate Ms. Dimple A Dhamani for applicant-wife and learned advocate Mr. Dhruvin P Bhuptani

for opponent-husband. Perused the record.

3. Brief facts of the case are as under:-

3.1. The applicant wife got married to respondent husband on 10.03.2019 as per Hindu rights and rituals. After some time of marriage, disputes arisen out over petty issues. Parties having son named, Darshil, aged about 5 years out of the said wedlock. The parties are living separately. The present applicant and respondent has preferred H.M.P No. 588 of 2025 before the learned Family Court, Vadodara, seeking divorce under Section 13(1) of the Hindu Marriage Act, 1955 (for short, the "Act"), and the applicant herein has received summons in that regard. Therefore, the present applicant has filed present application for seeking transfer of suit being H.M.P No. 599 of 2025 before the learned Family Court, Vadodara, to learned Family Court, Godhra at Panchmahals.

4. Learned advocate for the applicant contended that the marriage between the parties was solemnized on 10.03.2019,

and registered on 26.04.2019 at Vadodara. Out of the said wedlock, a son named Darshil was born on 29.05.2021. Because of marital discord, the parties separated. The opponent - husband filed a suit for seeking divorce being H.M.P. No. 588 of 2025 before the learned Family Court, Vadodara. Applicant is staying at Godhra with her parents.

4.1. It is further submitted that the child is aged about 5 years, and in custody of the present applicant. Learned advocate for the applicant relied upon the discharge card which pertains to the treatment taken by the father of the applicant for chronic Venous Insufficiency in left leg which included Radio Frequency Ablation (RFA) and Sclerotherapy.

4.2. It is submitted that the applicant has to take care of her father as well as to look after her minor son. The distance between Godhra and Vadodara is approximately 80 kms. It is therefore submitted that due to the aforesaid difficulties the proceedings at the learned Family Court, Vadodara, be

transferred to the learned Family Court, Godhra.

5. *Per contra*, learned advocate for the respondent - husband has submitted that a Divorce Deed was executed between the parties on 20.10.2021 at Vadodara, wherein the maintenance of Rs. 5 lakhs in cash were paid by opponent - husband and the same is accepted by applicant wife. As per the divorce deed, the respondent - husband also issued four cheques, each of 2 lakh 50 thousand to the wife, however, the cheques have not been presented for clearance. It is further contended that, thereafter, a divorce petition being H.M.P No. 588 of 2025 under Section 13(B) of the Act, came to be instituted before the learned Family Court, Vadodara, by the present applicant as well as respondent. In the said proceedings, the wife withdrew her consent, therefore, the divorce application came to be rejected. It is submitted that no cogent and sufficient grounds have been made out by the applicant whereby the proceedings can be transferred to the learned Family Court at Godhra. Learned advocate for the

respondent has also placed on record a copy of Divorce Deed.

The same is taken on record.

6. Having considered the submissions canvassed by the learned advocates for the parties, it appears that the reason assigned in the application for its transfer is the sickness of applicant's father. The applicant has pleaded in the application that the father has undergone a surgery for chronic Venous Insufficiency in left leg and the applicant has to take care of her father and a minor child of 5 years. Except these two reasons, applicant has not come up with any plausible and convincing reasons. Learned advocate for the respondent has also submitted that the applicant has a brother who can also look after the treatment aspect of the father of applicant. It is worthwhile to observe, at this stage, that all the Family Courts in the State of Gujarat are having the facility of Video Conferencing.

7. Considering the averments made in the application, no

case is made out, whereby the discretionary powers vested under Section 24 of the Code can be exercised. The applicant is permitted to appear and contest Family Suit through Video Conferencing mode, if she wishes to. Any application is made by applicant permitting her to appear through Video Conferencing mode, the learned Family Court shall decide the application in accordance with the Rules framed under “The Gujarat High Court Rules for Video Conferencing for Courts (High Court and Subordinate Courts), 2021”. The present application stands rejected. Learned Family Court shall decide the controversy strictly as per evidence and provisions of law. Contentions of both the parties are left open. No order as to costs. Rule is discharged.

8. It is made clear that this Court has not expressed any opinion on the merits of the case.

(D. M. DESAI,J)

SHIVANI SHUKLA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SHIVANI SHUKLA(HC02350), ENGLISH STENO GRADE-II, at High Court of Gujarat on 06/04/2026 17:12:41