

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**  
**R/MISC. CIVIL APPLICATION (FOR TRANSFER) NO. 2069 of 2025**

**FOR APPROVAL AND SIGNATURE:**

**HONOURABLE MR. JUSTICE MAULIK J.SHELAT**

|                        |     |    |
|------------------------|-----|----|
| =====                  |     |    |
| Approved for Reporting | Yes | No |
|                        |     | No |
| =====                  |     |    |

BINALBEN D/O PATEL AMBALAL JIVRAMDAS W/O NISARGKUMAR  
 RAMESHCHANDRA PATEL  
 Versus  
 PATEL NISARGKUMAR RAMESHCHANDRA

=====

Appearance:

MR TEJAS P SATTA(3149) for the Applicant(s) No. 1  
 KRUPABEN S LIMBACHIYA(7851) for the Opponent(s) No. 1  
 MS TARJANI K ANJARIA(12193) for the Opponent(s) No. 1

=====

**CORAM: HONOURABLE MR. JUSTICE MAULIK J.SHELAT**

**Date : 10/07/2026**

**ORAL JUDGMENT**

1. This application under Section 24 of Civil Procedure Code, 1908 (CPC) is filed by the applicant seeking transfer of Family Suit No.1698 of 2025 pending before the Family Court at Ahmedabad to Family Court, Mehsana.

2. Heard Ms.Anmol D. Ganwani, learned advocate for Mr.Tejas Satta, learned advocate for the applicant and Ms.Tarjani K. Anjaria, learned advocate for the opponent.

3. Ms.Ganwani, learned advocate for the applicant has drawn attention of this Court that vide its order dated 04.09.2025, this Court while admitting this application, has

recorded the submissions made by learned advocate appearing for the applicant. She is reiterating the very submissions in support of the application.

4. *Per contra*, Ms.Anjaria, learned advocate for the opponent would submit that there is no merit in the application. She has opposed the present application relying upon the affidavit-in-reply filed by the opponent. She has submitted that the applicant is an educated lady and she can attend the suit proceedings through video conference and there is no need to transfer the family suit instituted by the opponent – husband from Family Court, Ahmedabad to Family Court at Mehsana, as prayed for. She has also submitted that there is transportation facility available at the doorstep of applicant as she is residing nearby the main S.T.Depot at Mehsana.

5. This Court has heard the learned advocates for the respective parties, perused the pleadings of the parties and has gone through the order dated 04.09.2025, which reads as under:

***“1. Heard learned Advocate Mr. Tejas P. Satta for the applicant.***

***2. Learned Advocate Mr. Satta would submit that the applicant happens to be wife of opponent and resides with her parents at Mehsana. Whereas, the opponent has instituted Family Suit No.1698 of 2025 before the Court of Principal Civil Judge, Ahmedabad. It is further submitted that the distance between Mehsana to Ahmedabad is more than 75 kms one go and in such circumstances, it would cause great hardship and inconvenience to the applicant to attend the proceedings instituted by the opponent at Ahmedabad.***

**3. Learned Advocate Mr. Satta would further submit that the applicant has filed Criminal Misc. Application No.21 of 2025 under Section-144 of the B.N.S.S., 2023, which is pending before the Family Court, Mehsana.**

**4. Learned Advocate Mr. Satta would submit that it would be desirable that Family Suit instituted by opponent at Ahmedabad be transferred to Family Court, Mehsana, thereby, proceeding instituted by applicant, pending before Family Court, Mehsana, can be heard and decided along with Family Suit instituted by opponent.**

**5. Learned Advocate Mr. Satta would submit that the applicant is not getting regular maintenance from opponent and has responsibility of minor child residing with her.**

**6. Lastly, learned Advocate Mr. Satta further submitted that opponent is in fact residing at Vadodara, thereby also, no fruitful purpose would be served to attend the proceeding at Ahmedabad.**

**7. Considering the aforesaid facts and circumstances and after hearing the submissions made by the learned Advocate Mr. Satta and so also after going through the averments made in the application and the documents annexed therewith, the matter requires consideration.**

**8. Issue Rule, returnable on 10th October, 2025.**

**9. Ad-interim relief is granted in terms of para-6(B) of the application.”**

6. Having considered the submissions made by learned advocates for the parties, having gone through the above order dated 04.09.2025, it clearly transpires that there is reason to believe that without any sufficient needs, applicant cannot attend the suit proceedings instituted by the opponent. It is undisputed fact that maintenance proceedings is already instituted by the applicant against opponent under Section 144 of BNSS Act, which is pending for adjudication at

Mehsana. The applicant is also required to take care of his minor son aged about 5 years, so also taking care of her differently able brother suffering from Cerebral Palsy. It is not the case of the opponent that he cannot attend suit proceedings if it is transferred to Family Court, Mehsana through video conference. Moreover, in absence of any maintenance amount paid to applicant and her child, it causes great hardship and inconvenience to applicant to effectively participate in Family Suit instituted by opponent at Ahmedabad. 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 respondent which is much higher, this Court is inclined to exercise discretion in favour of the applicant.

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 - 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.**

8. In the backdrop as aforesaid, present application succeeds and is allowed accordingly. The Family Suit No. 1698 of 2025, pending before the Family Court at Ahmedabad, is directed to be transferred to the Family Court at Mehsana.

9. After the transfer of the above proceedings, it is requested to Principal Judge, Mehsana to see that the Family

Suit No. 1698 of 2025 shall be heard by the concerned Family Court at Mehsana with whom the maintenance proceedings filed by the applicant herein being Criminal Miscellaneous Application No.21 of 2025 is pending.

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

11. In view of the above, the present application is allowed in terms of para 6(A). Rule is made absolute, accordingly.

**(MAULIK J.SHELAT,J)**

MISHRA AMIT V.

Original copy of this order has been signed by the Hon'ble Judge.

Digitally signed by: AMIT VISHNUPRASAD MISHRA(HC00187), Principal Pvt. Secretary, at High Court of Gujarat on 15/07/2026 10:52:15