

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/MISC. CIVIL APPLICATION (FOR TRANSFER) NO. 2279 of 2025**

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LAXMIBEN W/O NAYANBHAI PARMAR D/O BHIKHABHAI BHATTI
Versus
NAYAN RAMJIBHAI PARMAR

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Appearance:

MR ABHIJEET J SINGH(12073) for the Applicant(s) No. 1
MR LALIT V PATEL(5251) for the Applicant(s) No. 1
MR PRUTHVISH L PATEL(13678) for the Applicant(s) No. 1
MR A A ZABUAWALA(6823) for the Opponent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIRAL R. MEHTA

Date : 19/12/2025

ORAL ORDER

1. By way of this application under Section 24 of the C.P.C., the applicant - wife seeks transfer of Family Suit No.159 of 2024, pending in the Court of Bhuj-Kutch Family Court to the Family Court at Bhachua-Kutch.
2. Heard learned advocate Mr. Lalit V Patel and learned advocate Mr. Pruthvish L Patel, for the applicant and Mr. A A Zabuawala, learned advocate for the opponent.
3. Mr. Singh, learned advocate for the applicant, submitted that the applicant being a lady, is residing at her parental house along with two children and the distance from the Bhachua-Kutch to Bhuj-Kutch is 100 Kms. She, therefore, submitted that the applicant being a lady and suffering from backage problem, it is very difficult for her to travel and

attend the Court proceedings.

4. By making above submissions, learned advocate for the applicant, has prayed this Court to allow the present application.

5. Considered the submissions for the respective parties and also gone through the material placed on record. Having perused the material on record, it appears that the present application for transfer of proceeding is preferred by the applicant - wife solely on the ground of inconveniency.

6. Keeping the aforesaid facts in mind, the decisions of the Hon'ble Supreme Court in the case of **Anindita Das v. Srijit Das**, reported in **(2006) 9 SCC 197**, and **Gayatri Mohapatra v. Ashit Kumar Panda**, reported in **(2003) 11 SCC 731**, are required to be kept in mind. In case of **Anindita Das (Supra)**, the Hon'ble Supreme Court has held as under:-

"1. This transfer petition has been filed by the wife on the ground that the petitioner has a small child of six years. She has further claimed that she has no source of income and it is difficult for her to attend the court at Delhi. She has further claimed that she is not keeping good health.

2. In support of this petition, a large number of authorities have been cited, namely, Reena Bahri Vs. Ajay Bahri, 2002 10 SCC 136, Leena Mukherjee Vs. Rabi Shankar Mukherjee, 2002 10 SCC 480, Ram Gulam Pandit Vs. Umesh J. Prasad, 2002 10 SCC 551 and Rajwinder Kaur Vs. Balwinder Singh, 2003 11 SCC 726. These

authorities are all based on the facts of their respective cases. They do not lay down any particular law which operates as a precedent.

3. *Even otherwise, it must be seen that at one stage this Court was showing leniency to ladies. But since then it has been found that a large number of transfer petitions are filed by women taking advantage of the leniency shown by this Court. On an average at least 10 to 15 transfer petitions are on board of each court on each admission day. It is, therefore, clear that leniency of this Court is being misused by the women.*

4. *This Court is now required to consider each petition on its merit. In this case the ground taken by the wife is that she has a small child and that there is nobody to keep her child. The child, in this case, is six years old and there are grandparents available to look after the child. The respondent is willing to pay all expenses for travel and stay of the petitioner and her companion for every visit when the petitioner is required to attend the court at Delhi. Thus, the ground that the petitioner has no source of income is adequately met.*

5. *Except for stating that her health is not good, no particulars are given. On the ground that she is not able to come to Delhi to attend the court on a particular date, she can always apply for exemption and her application will undoubtedly be considered on its merit. Hence, no ground for transfer has been made out.*

6. *Accordingly, we dismiss the transfer petition. We, however, direct that the respondent shall pay all travel and stay expenses of the petitioner and her companion for each and every occasion when she is required to attend the court at Delhi."*

7. So far as the case of the ***Gayatri Mohapatra (Supra)*** is

concerned, the Hon'ble Supreme Court has observed as under:-

"2. The transfer is sought on the ground that she is a lady belonging to the weaker section of the society and it will be difficult for her to travel to Meerut and attend the hearing of the case from time to time. There being no male member in the family and the parents being old and not keeping good health, they will not be able to accompany her. In the counter-

affidavit filed by the respondent, it is stated that the petitioner has personal houses in Delhi. She is a Director in a company run by her mother, which has its branch office in Delhi. She regularly visits Delhi for official and personal work. It is added, the petitioner travels throughout the country in connection with the company work and that she also travels most of the time with her father who has retired from the post of DGP, Orissa.

3. In the reply to the said counter the petitioner, inter alia, states that the petitioner has never travelled alone throughout the country in connection with the family business.

4. From the above allegations and counter-allegations, it is clear that the petitioner has travelled from one place to another and the ground that she will not be able to travel, cannot be a valid ground to seek transfer of the case. We, therefore, dismiss the transfer petition. No costs."

8. Keeping in mind the aforesaid decisions of the Hon'ble Supreme Court, it appears that the Hon'ble Supreme Court has refused to entertain the transfer petition on the ground of inconvenience in traveling the distance.

9. In the instant case, the only contention that has been

raised by the applicant - wife is inconveniency in traveling the distance. Therefore, keeping in mind the aforesaid decisions of the Hon'ble Supreme Court, I see no good reason to entertain the present application. The same is hereby dismissed accordingly.

9.1 However, it is open for the applicant herein to request the concerned Family Court by way of an appropriate application for participating in the proceedings through video conferencing / online mode and if any such application is made by the applicant herein, the Family Court may consider the same in accordance with law. The Court concerned may not insist physical presence of the applicant unless it is so expedient to do so.

10. The Misc. Civil Application is disposed of. Notice is discharged. Interim relief stands vacated.

(NIRAL R. MEHTA,J)

NIHAL PATEL

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: NIHAL PATEL(HC02355), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 06/01/2026 10:20:05