

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/MISC. CIVIL APPLICATION (FOR TRANSFER) NO. 2877 of
2025

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE MAULIK J.SHELAT *Sd/-*

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Approved for Reporting	Yes	No
		✓

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PATEL PARUBEN D/O CHABILBHAI AMBALAL W/O PATEL
 ALPESHKUMAR NATWERLAL

Versus

PATEL ALPESHKUMAR NATWERLAL

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Appearance:

MS TEJAL K SHAH(2719) for the Applicant(s) No. 1

NOTICE SERVED for the Opponent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE MAULIK J.SHELAT

Date : 19/06/2026

JUDGMENT

1. The present application is filed under Section 24 of the Code of Civil Procedure, 1908 (CPC) seeking transfer of the Family Suit No.58 of 2025 pending before the Family Court, Kadi, Mehsana to the Family Court, Gandhinagar.

2. **RULE.** Heard Ms. Tejal K. Shah, learned advocate for the applicant. Though served, none appeared for the opponent.

3. Ms. Shah, learned advocate for the applicant would

submit that opponent has preferred a Family Suit at Kadi, Mehsana, whereas the applicant is currently residing at Gandhinagar but she is having some medical problem and the medical papers are also annexed with this application.

4. It is submitted that due to her medical condition, this Court may exercise its discretionary power in favour of the applicant to transfer the proceedings, as prayed in this application.

5. It appears that notice of this application is already served upon the opponent on 24.12.2025 and after giving the reasonable opportunity, opponent has neither entered appearance nor contested this application.

6. 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**.

7. Considering the aforesaid facts and upon perusal of the averments made in this application, which remain uncontroverted, according to my considered view, the present application deserves to be allowed, which is hereby allowed in terms of para-8(b). Rule is made absolute.

8. It is also open for the opponent to request the concerned Family Court to join the proceedings through video

conferencing / online mode and if such a request is made by the opponent, the Family Court may also consider the same unless the physical presence of the opponent is required to attend the proceedings at a particular stage of proceedings.

Lalji Desai

Sd/-
(MAULIK J.SHELAT,J)