

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/MISC. CIVIL APPLICATION (FOR TRANSFER) NO. 2617 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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DIPIKABEN W/O KISHORKUMAR SONI D/O NAVINBHAI SONI

Versus

KISHORKUMAR CHAMPALAL SONI

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Appearance:

MR. PREM K. SHAH, FOR MR. MAULIK M SONI(7249) for the
Applicant(s) No. 1

MRS. H V RAVAL(10999) for the Opponent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE MAULIK J.SHELAT

Date : 19/06/2026

JUDGMENT

1. **RULE** returnable forthwith. Mrs. H.V.Raval, learned advocate waives service of notice of Rule for and on behalf of the opponent.

1.1 Heard Mr. Prem K. Shah, learned advocate for Mr. Maulik M. Soni, learned advocate for the applicant and Mrs. H.V.Raval, learned advocate for the opponent.

2. The present application is filed under Section 24 of the Code of Civil Procedure, 1908, by the applicant, who happens

to be the wife, seeking transfer of the Family Suit No.63 of 2025 (old Family Suit No.21 of 2021) preferred by the opponent, who happens to be her husband, before the Family Court, Vapi to Family Court, Ankleshwar.

3. Mr. Shah, learned advocate for the applicant would submit that the applicant is looking after two minor daughters and distance between Vapi to Ankleshwar, to and fro, is around 320 kms.. It is submitted that the applicant is not having any source of means to pursue the Family Suit filed by the opponent at Vapi. It is further submitted that the applicant has also preferred maintenance application against the husband, which is pending before the Family Court, Ankleshwar.

3.1 Lastly, it is submitted that if the Suit instituted by the opponent may be transferred to Ankleshwar, both the proceedings can be heard and decided together by the Family Court.

4. *Per contra*, Ms. Raval, learned advocate for the opponent would submit that false statement made by the applicant in para-2(B) of the application, inasmuch as there is no complaint lodged, as alleged. It is submitted that as per the information received from the Police Station concerned, under the RTI, it is proved that the statement made by the applicant in aforesaid para of the applicant is false. It is further submitted that considering the false statement made on oath, this Court should not exercise its discretion in favour of the applicant.

4.1 It is also submitted that there would not be any hardship or inconvenience caused to the applicant and as such, she never attended the proceedings at Family Court,Vapi.

5. Having heard the learned advocates for the respective parties, it is not in dispute that applicant is looking after her two minor daughters, staying at Ankleshwar. The distance between the Vapi to Ankleshwar, to and fro, is around 320 kms. The applicant has also instituted a maintenance proceedings under Section 144 of the BNSS against the opponent, which is currently pending before the Family Court, Ankleshwar. Whereas, the opponent appears to a business man and otherwise, requires to maintain the applicant and his children, which *prima facie*, he failed in doing so.

6. Furthermore, the opponent is required to attend the proceedings instituted by the applicant at Family Court, Ankleshwar. Considering all these aspects, it is desirable that the proceedings instituted by the opponent can be transferred to the Family Court, Ankleshar.

7. So far as the objection of the opponent that there is false statement made by the applicant in para-2(B) of the application, considering the fact that this Court is not carried away with any other facts other than what is observed hereinabove, any alleged mistake on the part of the applicant will not preclude her to get relief as prayed in this application, as it is not going to the root of the matter.

8. At this stage, it would be fruitful to refer 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**.

9. In the backdrop as aforesaid, present application succeeds and is allowed accordingly. The Family Suit No.63 of 2025 (old Family Suit No.21 of 2025) pending before the Family Court at Vapi, is directed to be transferred to the Family Court at Ankleshwar.

10. After the transfer of the above proceedings, it is requested to Principle Judge, Family Court, Ankleshwar, to see that transferred family suit filed by opponent and application filed by applicant herein seeking maintenance is pending before Family Court, Ankleshwar be heard by same court. It will be open for the opponent to request the Family Court, Ankleshwar to give common date in the proceedings which is ordered to be transferred and the said maintenance proceedings pending before the Family Court, Ankleshwar. If such a request will be made, the same may be considered sympathetically by the concerned Family Court. 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.

11. The Principal Judge, Family Court, Ankleshwar is requested to transfer the suit proceedings and to be taken up by the Family Court, which is looking after the maintenance application being Criminal Misc. Application No.40 of 2026.

Lalji Desai

Sd/-
(MAULIK J.SHELAT,J)