

(2017) 03 GUJ CK 0104
In the Gujarat High Court
Case No : 2268 of 2016

DEVYANIBEN W/O NILESHKUMAR PANCHAL D/O VITTHALBHAI	APPELLANT
Vs	
NILESHKUMAR GOVINDLAL PANCHAL	RESPONDENT

Date of Decision : 27-03-2017

Acts Referred:

Code of Civil Procedure, 1908, Section 24 - General power of transfer and withdrawal
Hindu Marriage Act, 1955, Section 13(1) - Divorce

Citation : (2017) 03 GUJ CK 0104

Hon'ble Judges : A.J.DESAI

Bench : Single Bench

Advocate : ANKIT Y BACHANI, BHAVIK R SAMANI

Judgement

1. Rule. Mr. Bhavik R. Samani, learned advocate appearing for the respondent waives service of rule on behalf of respondent. With the consent of parties, the matter is taken up for

final disposal today itself.

2. By way of the present application under Section 24 of the Code of Civil Procedure, 1908, the applicant - wife seeks transfer of proceedings of Family Suit No.1083 of 2016 filed by the respondent - husband pending before learned Family Court, Ahmedabad to the learned Civil Court, Deesa.

3. Learned advocate appearing for the applicant would submit that the respondent has filed Family Suit No.1083 of 2016 under Section 13 (1) of the Hindu Marriage Act seeking decree of divorce before the learned Family Court, Ahmedabad. He would further submit that the applicant has no source of income and she is residing at Deesa at her parental home along with her aged parents and shouldering the responsibility to maintain herself as well as her minor child. Hence, in this fact situation, it would be difficult for her to travel to Ahmedabad and attend the proceedings of Family Suit No.1083 of 2016 preferred by the

respondent - husband. She would further submit that the distance between Deesa to Ahmedabad is about 340 Kms. (to and fro) and since the applicant is an unemployed lady, it would be difficult for her to attend the proceedings at Ahmedabad. Hence, the present petition may be allowed.

4. Learned advocate appearing for the respondent would submit that the distance between Ahmedabad to Deesa is not too far and hence, there is no question to transfer the proceedings filed by the respondent. He, therefore, would submit that the present application may be dismissed.

5. I have heard learned advocates appearing for the

respective parties and considered the application. I am of the opinion that since the applicant has no source of income and is residing with her aged parents and shouldering the responsibility to maintain her minor daughter, it would be difficult for her to attend the proceedings at Family Court, Ahmedabad. In this view of the matter, the present application requires consideration and hence, the same is allowed. Family Suit No.1083 of 2016 filed by the respondent - husband pending before learned Family Court, Ahmedabad is hereby ordered to be transferred to learned competent Civil Court, Deesa. Rule is made absolute to the above extent.

Direct service is permitted.