

(2023) 08 GUJ CK 0038

In the Gujarat High Court

Case No : R/Misc. Civil Application No. 1021 Of 2023

Pooja W/O. Keyur Vora And D/O Triloksinh Rajput

APPELLANT

Vs

Keyur Kamleshkumar Vora

RESPONDENT

Date of Decision : 18-08-2023

Acts Referred:

Code Of Civil Procedure, 1908 — Section 24

Citation : (2023) 08 GUJ CK 0038

Hon'ble Judges : Ilesh J. Vora, J

Bench : Single Bench

Advocate : PV Patadiya, Angita M. Chauhan

Final Decision : Disposed Of

Judgement

Ilesh J. VORA, J

1. This application is filed under section 24 of the Code of Civil Procedure, 1908 by the applicant-wife to transfer Family Suit No.1366 of 2022 from the Family Court, Surat to the Family Court at Ahmedabad.

2. Heard learned counsel for and on behalf of the applicant. Though served none has appeared for and on behalf of the respondent husband.

3. Facts and circumstances giving rise to filing of the present application are that the respondent husband has filed petition as Family Suit No.1366 of 2022 and the same is pending before the Family Court, Surat. The applicant has a minor child aged about 9 years, who is regularly going to school at Ahmedabad. It is difficult for the applicant wife to travel from Ahmedabad to Surat for each and every date along with minor child. The applicant – wife has to suffer economically, physically as well as mentally because Surat is far away from Ahmedabad.

4. In these background of facts, the applicant herein has preferred the present petition. She is having no substantial income and it is difficult for her to attend

the Court proceedings at Surat.

5. The law with respect to transfer of proceedings, particularly matrimonial disputes, is no longer res-integra. Hon'ble Supreme Court in Sumitha Sing vs. Kumar Sanjay, [2002 KHC 1889], Mona Aresh Goel v. Aresh Satya Goel, [2000 KHC 1835], Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap, [2016 KHC 6489], Santhini V. Vijaya Venkatesh, [2017 (5) KHC 48] and Asiwarya N.C.V. v. A.S. Saravana Karthik Sha, [2022 (5) KHC 185 (SC)] held that it is the convenience of the woman and children that has to be looked into, while ordering the transfer of a case from one Court to another.

6. In light of the law laid down in the aforementioned decisions, pleadings, the material on record and the totality of the facts and circumstances of the case, particularly, the inability of the applicant to travel and appear before the Court at Surat and to meet the expenses of travel, I am inclined to allow this application.

7. Accordingly, the application is allowed. Family Suit No.1366 of 2022 is transferred from the Family Court at Surat to the Family Court at Ahmedabad. Learned Family Court, Surat shall transmit the case record to the Family Court at Ahmedabad.

8. Application stands disposed of accordingly.