



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/MISC. CIVIL APPLICATION (FOR TRANSFER) NO. 957 of
2026

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE MAULIK J.SHELAT

Approved for Reporting	Yes	No
		✓

PUJABEN W/O MAHENDRABHAI KESHUBHAI MAKWANA D/O
MAVJIBHAI PARMAR

Versus

MAHENDRABHAI KESHUBHAI MAKWANA

Appearance:

MR M S PADALIYA(7406) for the Applicant(s) No. 1

NOTICE SERVED for the Opponent(s) No. 1

CORAM: HONOURABLE MR. JUSTICE MAULIK J.SHELAT

Date : 21/08/2026

JUDGMENT

1. Heard Mr.M.S.Padaliya, learned advocate for the applicant.

2. This Court vide order dated 07.08.2026, passed the following order :

“Though served, none appears. It appears from the record that opponent is duly served with the notice of this Court on 05.07.2026.

As a last chance, stand over to 21st August, 2026.

Ad-interim relief in terms of para-17(C) is granted.”

3. It appears that despite granting a reasonable opportunity to the opponent to come and defend the



proceedings, the opponent did not choose to contest this proceeding. Accordingly, the present application has remained uncontested.

4. This application filed under Section 24 of Civil Procedure Code, 1908 (CPC) by the applicant-wife is seeking transfer of Family Suit No.13 of 2026 filed by opponent pending before the Family Court at Gondal to the Family Court at Dhrol, Jamnagar.

5. Heard Mr.Padaliya, learned advocate for the applicant at length.

5.1. Mr.Padaliya, learned advocate states that the applicant happens to be wife of the opponent residing at Dhrol, Jamnagar, whereas the opponent has filed family suit under Section 9 of the Hindu Marriage Act before the Family Court, Gondal, which is far away from the place of the applicant, the distance between these places are about 180 Kilometers round trip. He would submit that the applicant has instituted proceedings under the Domestic Violence Act against the opponent and as on date, the opponent is not maintaining the applicant being wife. Mr.Padaliya, learned advocate would submit that it would cause great hardship to the applicant to attend the proceeding at Family Court, Gondal.

5.2. Making the above submission, Mr.Padaliya, learned advocate would request, this Court to allow the present application.



6. At the outset, it is required to be observed that the averments made in the application are remained uncontroverted.

7. Apart from the aforesaid, considering the averments made in the application and on perusing the material on record, it appears that distance is around 180 Kilometers (round trip) from Gondal to Dhrol, Jamnagar. So, it would cause great hardship and inconvenience to the applicant to attend the proceeding instituted by opponent at Gondal.

8. 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**, (ii) **N.C.V. Aishwarya versus A.S. Saravana Karthik Sha** reported in **2022 SCC OnLine SC 1199 : 2022 LiveLaw (SC) 627** and (iii) **Ruchi Majoo v. Sanjeev Majoo, (2011) 6 SCC 479**.

9. Thus, considering overall facts and circumstances of the case as also keeping in mind the inconvenience that may cause to the applicant *vis-à-vis* the opponent which is much higher, so this Court is inclined to exercise its discretion in favour of the applicant.

10. Needless to say that it is always open for the opponent to request the concerned Family Court to allow him to join the proceedings through video conferencing / online mode and if such a request will be made by the opponent, the Family



Court shall accept the same unless the physical presence of the opponent is required to attend the proceedings at a particular stage of proceedings.

11. In the backdrop as aforesaid, present application succeeds and is allowed. Consequently, Family Suit No.13 of 2026 pending before the Family Court at Gondal is ordered to be transferred to the Family Court at Dhrol, Jamnagar.

GAURAV J THAKER

(MAULIK J. SHELAT, J)