



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/MISC. CIVIL APPLICATION (FOR TRANSFER) NO. 961 of 2026

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE MAULIK J.SHELAT

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Approved for Reporting	Yes	No
		✓
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MITALBEN GIRISHBHAI SOLANKI

Versus

GIRISH KANJIBHAI SOLANKI

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Appearance:

MR KAIVAN M DASTOOR(9322) for the Applicant(s) No. 1

MR DHARUV R THAKKAR(11280) for the Applicant(s) No. 1

MR JIGNESHKUMAR P PANDAV(8297) for the Opponent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE MAULIK J.SHELAT

Date : 14/08/2026

JUDGMENT

1. Rule returnable forthwith. Mr.Jigneshkumar Pandav, learned advocate waives service of rule for the opponent.

2. This application under Section 24 of Civil Procedure Code, 1908 (CPC) is filed by the applicant seeking transfer of Family Suit No.471 of 2026 pending before the Family Court at Ahmedabad to the concerned Court at Surendranagar.

3. Heard Mr.Dhruv Thakkar, learned advocate for the applicant and Mr.Pandav, learned advocate for the opponent.

3.1 With the consent of the learned advocates for the respective parties, the matter is taken up for hearing.



4. Mr. Thakker, learned advocate would submit that the distance between Surendranagar to Ahmedabad is around 175 Kilometers at one go and it causes great hardship and inconvenience to the applicant. Mr. Thakkar, learned advocate, would submit that the opponent has instituted a suit under Section 9 of the Hindu Marriage Act before the Family Court Ahmedabad, whereas other two proceedings are pending between the parties at Family Court, Surendranagar, including one proceeding filed by the opponent himself before the Family Court, Surendranagar under the Guardian and Wards Act. Mr. Thakkar, learned advocate would submit that in light of the aforesaid facts, this Court may pass an appropriate order to transfer the suit proceedings to the Family Court, Surendranagar from Family Court, Ahmedabad.

5. *Per contra*, Mr. Pandav, learned advocate would submit that the applicant has instituted divorce proceeding against the opponent which is pending at Family Court, Surendranagar and to get the custody of child, the opponent has no other option but to file an application under Section 25 of the Guardians and Wards Act, before the Family Court Surendranagar. It is submitted that in a case this Court transfers the suit proceedings instituted by the opponent before the Family Court Ahmedabad to the Family Court Surendranagar, all the proceedings may be heard and decided by one Family Court at Surendranagar and the opponent may be allowed to appear through video conference.

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 - AIR 2002 SC 396,
(ii) N.C.V. Aishwarya versus A.S. Saravana Karthik Sha -
2022 SCC OnLine SC 1199 : 2022 LiveLaw (SC) 627 and
(iii) Ruchi Majoo v. Sanjeev Majoo, (2011) 6 SCC 479.**

7. Having heard the learned advocates for the respective parties and considering the facts that other two proceedings are pending before the Family Court, Surendranagar between the parties, it is desirable that the family suit in question instituted by the opponent against the applicant, pending before the Family Court, Ahmedabad, is also required to be transferred to the Family Court, Surendranagar.

8. In the backdrop as aforesaid, the Family Suit No. 471 of 2026, pending before the Family Court at Ahmedabad, is directed to be transferred to the concerned Court at Surendranagar.

9. After the transfer of the above proceedings, it is requested to the Principal Judge, Family Court, Surendranagar, to see that the transferred suit shall be heard and decided by the Family Court, Surendranagar, before whom the application filed by the opponent under the Guardians and Wards Act being Civil Misc. Application No.46 of 2024 is pending as well as HMP Suit No. 4 of 2025 filed by the applicant against the opponent. It will be open for the opponent to request the concerned Court at Surendranagar to give common date in the proceedings which is ordered to be transferred and the proceedings pending before the



concerned Court at Surendranagar. If such a request will be made, the same may be considered sympathetically by the concerned Court.

10. It is also open for the opponent to request the concerned Court to join the proceedings through video conferencing / online mode and if such a request is made by the opponent, the Court concerned 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. In view of the above, the present application is allowed in terms of para 7(A). Rule is made absolute, accordingly.

GAURAV J THAKER

(MAULIK J. SHELAT, J)