



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/MISC. CIVIL APPLICATION (FOR TRANSFER) NO. 1009 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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ASHABEN NILESHPARI GOSAI

Versus

NILESHPARI BHAVPARI GOSAI

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Appearance:

MR P S DATTA(11324) for the Applicant(s) No. 1

MR HARESH N JOSHI(1871) 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.Haresh Joshi, 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.35 of 2025 pending before the Family Court at Jetpur, Rajkot to the concerned Court at Keshod, Junagadh.

3. Heard Mr.P.S.Datta, learned advocate for the applicant and Mr.Joshi, learned advocate for the opponent.

4. Mr.Datta, learned advocate submits that the applicant happens to be the wife of the opponent, who instituted a suit seeking divorce which is pending before the Family Court,



Jetpur, whereas the applicant has instituted maintenance proceedings under Section 144 of the BNSS against the opponent, which is also pending before the Family Court, Keshod, where the opponent is required to attend the proceeding. It is submitted that the applicant is not getting maintenance from the opponent, whereby she is not able to effectively participate and contest the proceedings instituted by the opponent pending before the Family Court, Jetpur. It is submitted that the applicant has to look after her minor girl child and it would cause great hardship to attend the proceedings along with minor girl child.

5. *Per contra*, Mr.Joshi, learned advocate would submit that the applicant can join the proceedings instituted by the opponent at the Family Court, Jetpur through video conference and the opponent is not required to attend the proceedings on every date before the Family Court, Keshod.

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 (iii) Ruchi Majoo v. Sanjeev Majoo, (2011) 6 SCC 479.**

7. Having heard the learned advocates for the respective parties and considering the fact that there is a maintenance proceeding instituted by the applicant against the opponent which is pending at the Family Court, Keshod and she has to look after a minor girl child, the inconvenience caused to the



applicant is much on a higher side. It further appears that the applicant is not getting any maintenance, whereby she may not be able to effectively participate the proceedings instituted against her, whereas the opponent can very well attend the proceedings through video conferencing.

8. In the backdrop as aforesaid, the Family Suit No.35 of 2025, pending before the Family Court at Jetpur, Rajkot is directed to be transferred to the concerned Court at Keshod, Junagadh.

9. After the transfer of the above proceedings, it is requested to concerned Court at Keshod, Junagadh to see that transferred family suit filed by opponent and Criminal Misc. Application No.216 of 2026 filed by the applicant against the opponent is pending before it be heard by same court. It will be open for the opponent to request the concerned Court at Keshod, Junagadh to give common date in the proceedings which is ordered to be transferred and the proceedings pending before the concerned Court at Keshod, Junagadh. 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 13(B). Rule is made absolute, accordingly.

GAURAV J THAKER

(MAULIK J. SHELAT, J)