

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/MISC. CIVIL APPLICATION NO. 402 of 2023**

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DHARABA W/O BHAGYARAJ SINH GOHEL D/O KRUSNASINH JAYUBHA
JADEJA

Versus

BHAGYARAJ SINH BALBHADRASINH GOHEL

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Appearance:

MR YOGESH KUMAR A RATANPARA(7260) for the Applicant(s) No. 1

MS HASMEET B GILL(11870) for the Applicant(s) No. 1

NOTICE SERVED for the Opponent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 30/06/2023

ORAL ORDER

1. This application is filed under section 24 of the Code of Civil Procedure, 1908 by the applicant wife to transfer HMP No. 5 of 2023 from the the Court of learned Senior Civil Court, Sihor to the court of learned Principal Judge, Family Court, Rajkot.
2. Heard Mr. Ratanpara, learned counsel for and on behalf of the applicant. Though served none has appeared for and on behalf of the respondent.
3. Facts and circumstances giving rise to filing of the present application are that the respondent husband has filed HMP and the same is pending before the learned Senior Civil Court, Sihor.
4. In these background of facts, the applicant herein has preferred the present application. She is having no substantial income and it is

difficult for her to attend the Court proceedings at Sihor.

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 Sihor and to meet the expenses of travel, I am inclined to allow this application.
7. Accordingly, the application is allowed. The HMP No. 5 of 2023 is transferred from the the Court of learned Senior Civil Court, Sihor to the court of learned Principal Judge, Family Court, Rajkot.
8. Application stands disposed of accordingly.

P.S. JOSHI

(ILESH J. VORA,J)