

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/MISC. CIVIL APPLICATION (FOR TRANSFER) NO. 1895 of 2023**

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BHUVNESHVARIBA HARPALSINH JADEJA

Versus

HARPALSINH KRUSHNASINH JADEGA

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Appearance:

MR JAYSINH R KAG(13367) for the Applicant(s) No. 1

MR VICKY B MEHTA(5422) for the Applicant(s) No. 1

PRERAK P OZA(8279) for the Opponent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE SANDEEP N. BHATT**Date : 01/03/2024****ORAL ORDER**

1. The present application is filed under Section 24 of the Code of Civil Procedure, 1908 by the applicant, to transfer Family Suit No.731 of 2023 pending with the learned Family Court, Vadodara to the learned Principal Senior Civil Judge, Limbdi at Surendranagar.

2. Heard learned advocates for the parties.

3. Rule. Learned advocate Mr.Oza waives service of notice of rule for respondent. Learned advocate Mr.Oza objected to the transfer of the proceedings.

4. Learned advocate for the applicant has submitted that she is residing at Surendranagar and other proceedings

are pending at Surendranagar and therefore she is facing difficulty to travel with a minor child having health issues.

5. 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* and (ii) *N.C.V. Aishwarya versus A.S. Saravana Karthik Sha reported in 2022 LiveLaw (SC) 627*.

6. In matrimonial matters, wherever it is required to be considered the plea of transfer, it should be taken into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life.

7. Considering the averments made by learned advocate appearing for the respective parties and considering the ratio as laid down by the Hon'ble Supreme Court in the case of *Smita Singh (Supra)* and *N.C.V. Aishwarya (supra)*, so also considering the facts of the present case and also considering the hardship of the applicant, the ends of justice should demand the transfer of the proceeding/s in question

under Section 24 of the Code, this Court deems it fit to accept the submissions advanced by the learned advocate appearing for the applicant and transfer the proceedings i.e. Family Suit No.731 of 2023 pending with the learned Family Court, Vadodara to the learned Principal Senior Civil Judge, Limbdi at Surendranagar, with all ancillary proceedings, if any. Order accordingly.

8. The present application is accordingly allowed. Rule is made absolute accordingly.

9. It is expected that the trial Court concerned should hear all the proceedings together, if any, if possible, so as to avoid multiplicity in trial of the same issues and conflict of decisions.

Direct service is permitted.

SRILATHA

(SANDEEP N. BHATT,J)