IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC. APPLICATION (FOR TRANSFER) NO. 18515 of 2023

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SONALBEN PRAMODCHANDRA TRIVEDI & ANR.

Versus

VIMALKUMAR MAHESHBHAI TRIVEDI & ANR.

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Appearance:
MR VIJAL P DESAI(5505) for the Applicant(s) No. 1,2
MS ISHITA V DESAI(5975) for the Applicant(s) No. 1,2
NOTICE SERVED for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE P. M. RAVAL**

Date : 22/10/2026

ORAL ORDER

1. Though notice is served, none appears for the respondent No. 1. The matter is of 2023 and is pending since then. Hence, it is taken up for final disposal today.

2. ***Rule***, returnable forthwith.

3. This application under Sections 407 and 482 of the Criminal Procedure Code, 1973 (the Code) has been filed by the applicants seeking transfer of Criminal Misc. Application No. 242 of 2024, pending before the learned Principal Judge, Family Court,

Mahisagar at Lunawada to the competent Court at Nadiad.

4. Heard, learned advocate Mr. Vijal P. Desai for the applicants. He would submit that initially an application under Section 125 of the Code was filed before the learned Additional Chief Judicial Magistrate at Balasinor being Criminal Misc. Application No. 93 of 2020, nonetheless, on bifurcation of districts and establishment of Family Court, the same came to be transferred to the Family Court at Lunawad, District: Mahisagar and numbered as aforesaid and it is this application, which is prayed to be transferred to the competent Court at Nadiad.

4.1 The learned advocate for the applicants would further submit that present applicants, who are the wife and the daughter, respectively, of the respondent herein, reside at Nadiad. The applicant No. 2 – daughter is studying in a College at Nadiad and that, it would be difficult for her to go to Mahisagar at Lunawada to attend the Court proceedings. It is further submitted that the distance between Lunawada and Nadiad is approx 130 KM one way, which would add on the difficulties. It is submitted that so far as respondent – husband is concerned, he resides at Ahmedabad only and accordingly, travelling from Ahmedabad to Nadiad would be more convenient for him rather to Lunawada and accordingly, no prejudice would be caused to either of the parties, if the matter is transferred to the competent Court at Nadiad. Accordingly, it is requested that this application may be

allowed and the Criminal Misc. Application No. 242 of 2024, pending before the learned Principal Judge, Family Court, Mahisagar at Lunawada may be directed to be transferred to the competent Court at Nadiad.

5. Having heard the learned advocate for the applicants and perusing the Application Memo, it appears that initially an application under Section 125 of the Code was filed before the learned Additional Chief Judicial Magistrate at Balasinor being Criminal Misc. Application No. 93 of 2020, which, upon bifurcation of districts and establishment of Family Court, transferred to the Family Court, Mahisagar at Lunawada and numbered as Criminal Misc. Application No.242 of 2024. It also appears that respondent – husband is residing in Ahmedabad only, even when Criminal Misc. Application No. 93 of 2020 was filed at Balasinor and hence, considering the distance as well as the suitableness, it would be more convenient for both the sides to attend the Court proceedings at Nadiad rather at Lunawada, Mahisagar and no prejudice would be caused to either parties if the matter is ordered to be transferred to the competent Court at Nadiad.

5.1 In the aforesaid view of the matter, the Court is inclined to exercise discretion in favour of the application.

6. The application, therefore, succeeds and is allowed,

accordingly. Proceedings of Criminal Misc. Application No. 242 of 2024, pending before the learned Principal Judge, Family Court, Mahisagar at Lunawada are directed to be transferred to the competent Court at Nadiad.

6.1 Upon such transfer, the Court concerned at Nadiad shall inform the parties about the date fixed for hearing.

6.2 Rule is made absolute, accordingly. **Direct service** is permitted.

[P. M. Raval, J.]

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Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: HIREN VIRENDRABHAI MER(HC00351), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 22/10/2026 17:37:01