

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/MISC. CIVIL APPLICATION (FOR TRANSFER) NO. 742 of 2026

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR.JUSTICE D.N.RAY

Approved for Reporting	Yes	No
	✓	

PURVABEN W/O HIRENBHAI SOLANKI D/O VALLABHBHAI VEGAD
Versus
HIRENBHAI CHAGANBHAI SOLANKI

Appearance:
MR YOGESHKUMAR A RATANPARA(7260) for the Applicant(s) No. 1
MR PJ KANABAR(1416) for the Opponent(s) No. 1

CORAM:HONOURABLE MR.JUSTICE D.N.RAY

Date : 13/10/2026

ORAL JUDGMENT

1. Rule. Mr. P.J.Kanabar, learned advocate waives service of notice of rule on behalf of the respondent.
2. The present application has been filed by the present applicant seeking transfer of Family Suit No.125 of 2025 pending before the learned Family Court, Amreli to the learned Family Court, Junagadh.
3. Heard learned advocates for the respective parties.

4. Mr. Yogeshkumar A.Ratanpara, learned advocate for the applicant submits that the applicant has to spend huge amount towards fees and since the applicant has no substantial source of income, the applicant is finding it very difficult to attend the matter at Amreli. That, the distance between Amreli to Junagadh is approximately 100 kms.

5. Mr.P.J.Kanabar, learned advocate for the respondent has strongly objected to the assertions made by learned Counsel for the applicant and requested this Court to dismiss the present application.

6. At this stage, it would be profitable to refer to the ratio laid down by the Hon'ble Apex Court in the case of **N. C. V. Aishwarya Vs. A. S. Saravana Karthik Shah**, reported in **2022 LiveLaw (SC) 627**, which has held as under :-

"9. The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take 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.

Given the prevailing socio-economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.

10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.

11. As noticed above, the appellant is a young lady aged about 21 years, staying alone along with her aged parents. Under the above circumstances, it is difficult for her to travel all the way from Chennai to Vellore to attend the court proceedings of the case filed by the respondent seeking annulment of marriage. Further, it is also just and proper to club all the three cases together to avoid multiplicity of the proceedings and conflict of decisions. Therefore, the High Court was not justified in rejecting transfer petition bearing TR.C.M.P.No.473 of 2020, filed by the appellant herein."

7. The fountainhead of protective discrimination is found in the provisions of the Constitution, as under:-

"15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth:-

15(3). Nothing in this article shall prevent the State from making any special provision for women and children."

8. In play, Courts have leaned towards lifting barriers of formal equality and enforcing targeted affirmative actions to counter physical and sociological disadvantages, thereby bridging systemic gaps which make the society transition from one, which merely accepts formal non-discrimination,

into one which embraces substantive social justice.

9. Matrimonial disputes form a special category of disputes where both the parties suffer through the process of litigation sometimes even more than the malady they were seeking to redress by invoking legal remedies available to them. The legal process very often itself becomes the punishment. At the stage of transfer, this Court is wholly unconcerned with the merits of the rival allegations. However, the women in litigation deserve to be protected to that extent, so that the access to the remedy does not become illusory due to the inherent difficulties in the path of such women to access the same. Protective discrimination is a tool of social context judging by which two inherently unequal parties accessing legal remedies are deliberately discriminated upon, so that thereafter, they have equal access to the legal remedy. Once this access is provided so that the parties are equal in their ability to access the legal remedy, this Court is thereafter unconcerned with the merits of the allegations.

10. In such circumstances, I deem it appropriate not to refer much to the “facts” which are essentially in the nature of

allegations raised by one party and denied by the other, so that the learned Courts below in seizin or coming into seizin of the disputes raised before them may not have their vision coloured in any manner by the contents of an order which merely directs transfer of a petition from an inconvenient jurisdiction of the applicant to a convenient jurisdiction of the applicant. Thus, the only test is to be applied is the convenience of the weaker party. While suppression, misdeclaration etc., on the part of the applicant would always have their due weightage before any court of law, the primary ingredient which would influence the decision of the Court would be whether, by transferring a petition from one jurisdiction to the other, the Court has been able to balance the inherent inequality which the party seeking access to legal remedy is faced with.

11. Considering the averments made by learned advocates appearing for the respective parties and considering the ratio as laid down by the Hon'ble Apex Court in the case of **N. C. V. Aishwarya** (Supra), so also considering the hardship of the applicant, the ends of justice should demand the transfer of proceeding/s in question under Section 24 of the Code of Civil

Procedure, 1908. This Court therefore deems it fit to accept the submissions advanced by the learned advocate for the applicant and transfer the proceedings i.e., Family Suit No. 125 of 2025 pending before the learned Family Court, Amreli to the Court of Learned Family Court, Junagadh with all ancillary proceedings.

12. The present application, thus, is accordingly allowed. Rule is made absolute to the aforesaid extent.

13. It is expected that the concerned Trial Court should endeavour to hear all the proceedings together, if any, so as to avoid multiplicity in trial of the same issues and conflict of decisions as far as possible. Rule is made absolute to the aforesaid extent.

BINA SHAH

(D.N.RAY,J)