

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Trp (C) No. 1/2026
CM No. 308/2026

Date of Pronouncement: 10.08.2026.
Date of Uploading : 11.08.2026.

Bindu Sharma aged 29 years
W/o Anil Sharma and Daughter of
Hem Raj
R/o Village Jib, Tehsil & District
Udhampur

.....Petitioner(s)

Through :- Mr. Maneet Singh, Advocate

v/s

Anil Sharma, aged 34 years
S/o Rattan Chand
R/o Village Dhammi, Tehsil Dansal,
District Jammu

.....Respondent(s)

Through :- Mr. Atul Raina, Advocate

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

10.08.2026

1. Heard learned counsel for the parties.
2. The parties appear to be embroiled in a matrimonial dispute. The petitioner-wife had earlier instituted proceedings under Section 125 of the Code of Criminal Procedure seeking maintenance before the competent Court at Udhampur, whereas the respondent-husband has instituted a petition under the Hindu Marriage Act seeking dissolution of the marriage by a decree of divorce, which is presently pending before the Court of learned Principal Judge, Family Court, Jammu.

3. It emerges from the pleadings that the petitioner is residing at Village Jib, Tehsil and District Udhampur, which falls within the territorial jurisdiction of the Courts at Udhampur. The respondent, on the other hand, is stated to be a resident of Jhajjar Kotli. Notwithstanding the same, he has chosen to institute the petition seeking dissolution of marriage at Jammu rather than at Udhampur, which, according to the petitioner, would be comparatively more convenient having regard to the respective places of residence of the parties.

4. Learned counsel appearing for the respondent has vehemently opposed the present petition by contending that the proceedings instituted by the petitioner-wife at Udhampur for grant of maintenance have already culminated in a settlement and, therefore, no proceedings between the parties are presently pending at Udhampur. It is further contended that the Court at Jammu is competent to entertain and adjudicate the matrimonial proceedings and, as such, no ground for transfer is made out.

5. Learned counsel for the petitioner has, however, strongly controverted the aforesaid submissions. It is contended that the respondent has deliberately chosen to institute the divorce proceedings at Jammu with a view to subjecting the petitioner to unnecessary hardship and inconvenience by compelling her to travel from Udhampur to Jammu on every date of hearing. It is further submitted that, having regard to the

respective places of residence of the parties, adjudication of the matrimonial proceedings at Udhampur would be more convenient to both sides.

6. Having heard learned counsel for the parties and considered the material on record, this Court finds merit in the submissions advanced on behalf of the petitioner. Admittedly, the petitioner had earlier instituted proceedings for grant of maintenance at Udhampur, which were duly contested by the respondent and ultimately culminated in a settlement before the Lok Adalat. Thereafter, the respondent-husband instituted the petition seeking dissolution of marriage against the petitioner-wife.

7. It is not the case of the respondent that the divorce petition was, by reason of any compelling circumstance, necessarily required to be instituted at Jammu Headquarters. The petitioner has specifically pleaded that the respondent is a resident of Village Dhammi, Tehsil Dansal, District Jammu, and that the inconvenience likely to be occasioned to him in attending the proceedings at Udhampur would not be substantial. On the contrary, the petitioner is stated to be an unemployed woman having minor children in her care and without any independent source of income. Requiring her to travel from Udhampur to Jammu on every date of hearing would, therefore, cause considerable hardship and inconvenience. It is also pertinent to

note that, despite notice of the present petition, the respondent has chosen not to file any written objections and has confined his opposition to oral submissions.

8. The contention raised on behalf of the respondent does not merit acceptance. The respondent had earlier participated in and contested the maintenance proceedings instituted by the petitioner at Udhampur. In these circumstances, no substantial prejudice or insurmountable inconvenience can reasonably be said to be caused to him if the matrimonial proceedings are also tried at Udhampur. On the other hand, compelling the petitioner to undertake repeated journeys from Udhampur to Jammu would undoubtedly expose her to greater hardship and inconvenience. The circumstances noticed hereinabove lend support to the contention of the petitioner that the institution of the divorce proceedings at Jammu, despite the comparative convenience of Udhampur, operates to her disadvantage and subjects her to avoidable hardship.

9. The comparative convenience of the parties, therefore, weighs in favour of the petitioner. The petitioner has minor children residing with her at Udhampur, whose care and supervision rest upon her. Requiring her to attend the proceedings at Jammu would not only entail expenditure and substantial travel time but would also require her to make arrangements for the care of the minor children during her

absence. The hardship likely to be suffered by the petitioner, thus, substantially outweighs any inconvenience that may be caused to the respondent by transfer of the proceedings to Udhampur.

10. In view of the aforesaid facts and circumstances, the present petition is allowed. The petition seeking dissolution of marriage by a decree of divorce, titled **“Anil Sharma v. Bindu Sharma”**, pending before the Court of Principal Judge, Family Court, Jammu, is hereby withdrawn from the said Court and transferred to the Court of learned Principal District Judge, Udhampur, for disposal in accordance with law.

11. The learned Principal Judge, Family Court, Jammu, shall transmit the entire record of the case to the transferee Court forthwith. Upon receipt of the record, the transferee Court shall proceed with the matter from the stage at which the proceedings presently stand before the transferor Court. The transfer petition stands **disposed of** in the above terms.

(Sanjay Parihar)
Judge

JAMMU
10.08.2026
Diksha

Whether the order is speaking: Yes
Whether the order is reportable: Yes