

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No.515 of 2026

Date of decision:25.09.2026

Nikita Chaudhary ...Petitioner

Versus

Ankush Kumar Kaundal ...Respondent.

Coram:

The Hon’ble Mr. Justice Romesh Verma, Judge.

*Whether approved for reporting?*¹

For the petitioner: Mr. Ashwani Kaundal, Advocate.

For the respondent: Mr. Onkar Jairath, Senior Advocate
with Mr. Anshul Jairath, Advocate.

Romesh Verma, Judge (oral):

The instant petition has been filed assailing the order, as passed by the learned Principal Judge, Family Court, Una, whereby an application filed by the present petitioner under Order VI Rule 17 of the Code of Civil Procedure for amendment of her address in an application filed under Section 24 of the Hindu Marriage Act, came to be dismissed.

2. The facts, as emerge in the present case, are that the present petitioner-wife instituted a petition under Section 13(1)(ia) of the Hindu Marriage Act for the grant of divorce against the present respondent in the Court of learned Principal Judge, Family Court,

Whether reporters of Local Papers may be allowed to see the judgment?

Kangra at Dharamshala. It has been fairly conceded by the learned counsel for the parties that thereafter, the present respondent-husband filed a petition under Section 9 of the Hindu Marriage Act for the restitution of conjugal rights before the Principal Judge, Family Court, Una, District Una, H.P.

3. During the pendency of the petition for divorce, the present petitioner filed an application under Order VI Rule 17 of the CPC for carrying out an amendment in the application filed under Section 24 of the Hindu Marriage Act, as well as in the assets and liabilities affidavit. The said application came to be resisted by the husband-respondent and ultimately the learned Principal Judge, Family Court, Una, vide impugned order dated 12.06.2026, dismissed the said application.

4. It is contended by Mr. Ashwani Kaundal, learned counsel for the petitioner-wife, that the impugned order, as passed by the learned Principal Judge, is erroneous and liable to be quashed and set aside. He would submit that only a correction has to be made with respect to the address of the petitioner; therefore, no prejudice is going to be caused to the respondent if the needful is done. He further submitted that, after accepting the present petition, the application filed before the learned Principal Judge, Family Court, deserves to be allowed.

5. On the other hand, Mr. Anshul Jairath, learned counsel for the respondent, has vehemently opposed the present petition on the ground that the learned Principal Judge has passed a well reasoned order and no case is made out for carrying out an amendment in the application to correct the address in the application filed under Section 24 and the assets and liabilities affidavit filed by the present petitioner.

6. Mr. Anshul Jairath, learned counsel, has drawn the attention of this Court to the application that was filed by the present respondent for initiation of criminal proceedings against the present petitioner for filing a false affidavit and making a false declaration before the learned Principal Judge, Family Court, Kangra at Dharamshala. In the said application, it has been specifically stated that the present petitioner, Nikita Chaudhary, filed an application under Section 24 of the Hindu Marriage Act for the grant of interim maintenance, wherein an affidavit was sworn whereby she mentioned her address to be at Village Baroh, Tehsil Ghanari, District Una. Even in her affidavit regarding her assets, income and expenditure, she claimed herself to be residing with her parents at Village Baroh, Tehsil Ghanari, District Una.

7. In the said application, it has further been contended that the present petitioner made a false declaration while filing the petition under Section 13 of the Hindu Marriage Act by furnishing a false

residential address and also filed two false affidavits regarding her place of residence in an illegal manner in order to invoke the jurisdiction of the Court. The said application came to be filed by the husband-respondent on 23.02.2026. The record reveals that the instant application for amendment was filed on 12.03.2026, which is subsequent to the filing of the application for initiation of criminal proceedings against the present petitioner.

8. The learned counsel for the respondent has vehemently argued that in the reply filed by the husband to the petition under Section 13, a preliminary objection with respect to the territorial jurisdiction of the Court has been raised, whereby, in preliminary objection No. 1, it has been stated that the learned Principal Judge, Family Court, Kangra at Dharamshala has got no territorial jurisdiction to entertain the petition, as the present petitioner completed her schooling from St. D.R. Public Senior Secondary School, Gagret, District Una, did her B.Sc. in Veterinary Science from Palampur and the marriage between the parties was solemnized at Umed Palace, Kaloh, Tehsil Ghanari, District Una, H.P.

9. As per the averments made in the reply, it has been contended that the parties consummated their marriage at Village Dehra, that the present petitioner is serving as a Veterinary Officer at Barnoh, Tehsil and District Una and that the wife/petitioner is a permanent resident of Village Baroh, Tehsil Ghanari, District Una.

Since the parties never resided together or consummated their marriage at any place in District Kangra, the learned Principal Judge, Family Court, Kangra at Dharamshala does not have the territorial jurisdiction to entertain the petition.

10. This Court is in agreement with the contention raised by the learned counsel for the respondent that the application filed by the present petitioner is an afterthought and the same has been filed after the filing of the application by the husband for the initiation of criminal proceedings against the wife/petitioner. The present respondent is also disputing and contesting the territorial jurisdiction of the Family Court. Therefore, at this stage, the present petitioner cannot be permitted to amend the application under Section 24 of the Hindu Marriage Act, read with the assets and liabilities affidavit.

11. This Court does not agree with the submission of the learned counsel for the petitioner that only minor changes are to be carried out in the address of the present petitioner and that no prejudice shall be caused to the present respondent. This Court is of the considered opinion that the application has been filed merely to wriggle out of the application filed by the husband-respondent for the initiation of criminal proceedings. In case the amendment is allowed, it shall affect the merits of the divorce proceedings including the ground which has been raised by the husband-respondent disputing the territorial jurisdiction of the Court.

12. Therefore, without commenting on the merits of the case, this Court does not find any infirmity, illegality, or jurisdictional error in the impugned order, as passed by the learned Principal Judge, Family Court.

13. Consequently, the present petition, being devoid of any merit, deserves to be dismissed. Ordered accordingly. Pending application(s), if any, shall also stand disposed of.

(Romesh Verma)
Judge

25th September, 2026.
(vt)