2026:HHC:14160

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No. : 103 of 2026
Decided on : 28th April, 2026

Manju Kumari …Petitioner

Versus

Sangeet Bharti …Respondent

Coram

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?[1]

For the petitioner : Mr. Virender Singh Rathore, Advocate.

For the respondent : Mr. Ashwani K. Sharma, Advocate.

Virender Singh, Judge (Oral)

Petitioner–Manju Kumari has approached this Court, by way of the present petition, under Section 24 of the Code of Civil Procedure (hereinafter referred to as 'the CPC'), seeking transfer of case, bearing HMA No.446 of 2025, instituted by the respondent-husband before the Court of learned Principal Judge, Family Court, Hamirpur, District Hamirpur, to the Court of Principal Judge, Family Court Kangra at Dharamshala, District Kangra, H.P.

[1] *Whether Reporters of local papers may be allowed to see the judgment? Yes.*

2. According to the petitioner-wife, she was married to respondent-husband, on 21.10.2024, as per Hindu rites and rituals and thereafter, the petitioner started residing with respondent-husband at the matrimonial home situated at Nadaun, District Hamirpur.

3. As per the petitioner-wife, due to persistent acts of cruelty, physical and mental harassment by the respondent and his family members, the petitioner was compelled to leave the matrimonial home in July, 2025. Thereafter, the petitioner was residing with her parents, at her parental home.

4. It is the further case of the petitioner-wife that the respondent-husband had filed a petition under Section 13(1)(ia)(ib) of the Hindu Marriage Act (hereinafter referred to as the Act), for dissolution of marriage before the Court of learned Principal Judge, Family Court, Hamirpur, District Hamirpur.

5. According to the petitioner-wife, the distance between her residence and Hamirpur is about 60-70 kilometers and it takes 4-5 hours to perform such journey,

being hilly and difficult terrain. As such, it is difficult for her to visit/attend the hearing in the case pending before the Court of learned Principal Judge, Family Court, Hamirpur.

6. On the basis of the above facts, a prayer has been made to allow the petition.

7. Heard.

8. Although, opportunities were given to the respondent-husband to file reply, however, no reply has been filed so far. Further adjournment for this purpose is not justifiable. As such, the right of the respondent-husband to file reply stands closed. The learned counsel appearing for the respondent, although, has opposed the prayer, so made, in the petition, by tooth and nail.

9. Along with the present petition, the petitioner-wife has annexed the photocopy of the petition, filed by the respondent-husband, under Section 13(1)(ia)(ib) of the Act.

10. Considering the stand, as taken in the petition, the petitioner was forced to contest the above titled petition, which is pending adjudication before the Court of learned Principal Judge, Family Court, Hamirpur, District Hamirpur,

H.P., whereas, she is resident of Shahpur, District Kangra, and the distance between the residence of the petitioner and the Court, where the matter is pending, is pleaded as 60-70 kilometers.

11. It is no longer *res integra* that the convenience of the wife is paramount consideration, in such type of matters, and the petitioner-wife cannot be forced to contest the petition, by visiting the Court at Hamirpur, which is about 60-70 kilometers from her residence, read with the fact that the stand of the petitioner-wife has remained uncontroverted, this Court is of the view that the prayer, as made in the petition, deserves to be allowed.

12. Consequently, the petition is allowed and the case bearing ***HMA No.446 of 2025***, titled as ***Sangeet Bharti*** *versus* ***Manju Kumari***, pending adjudication before the Court of learned Principal Judge, Family Court, Hamirpur, District Hamirpur, H.P., is transferred to the Court of learned Principal Judge, Family Court, Kangra at Dharamshala, District Kangra, H.P.

13. Learned Principal Judge, Family Court, Kangra at Dharamshala, District Kangra, H.P., is requested to proceed further, after securing the presence of both the parties.

14. Pending miscellaneous application(s), if any, shall also stand disposed of.

15. A copy of this order be sent to the Court of learned Principal Judge, Family Court, Kangra at Dharamshala, District Kangra, H.P., as well as, to the Court of learned Principal Judge, Family Court, Hamirpur, District Hamirpur, H.P., for compliance.

(Virender Singh)
Judge

April 28, 2026*(ps)*