2026:HHC:13547

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No. : 03 of 2026
Decided on : 24.04.2026

Manu …Petitioner

Versus

Lucky …Respondent

Coram

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

Whether approved for reporting?[1]

For the petitioner : Mr. Devender K. Sharma, Advocate.

For the respondent : Mr. Ashok Verma, Advocate.

Virender Singh, Judge (Oral)

Petitioner–Manu has approached this Court, by way of the present petition, under Section 24(1)(a)(b)(ii) of the Code of Civil Procedure (hereinafter referred to as 'the CPC'), seeking transfer of case, bearing HMA No.339 of 2025, titled as Lucky Kumar versus Manu, instituted by the respondent-husband before the Court of learned Additional Principal Judge-II, Family Court Una, District Una to the Court of learned Principal Judge, Family Court, Bilaspur, District Bilaspur, 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 09.03.2023, as per Hindu rites and rituals and out of the said wedlock, the parties to the *lis* have been blessed with one daughter.

3. As per the petitioner-wife, after the marriage, she discharged all her marital obligations and duties faithfully, diligently towards her husband and his family members, however, the behaviour of the respondent-husband was very torturing, maltreating and they often used to give merciless beatings to the petitioner-wife. Thereafter, she was forced to live at her parental house at Village Utappar, Post Office Makhri, Tehsil Shri Naina Deviji, District Bilaspur.

4. It is the further case of the petitioner-wife that she had filed a case under the Domestic Violence Act, which is pending in the Court of learned Judicial Magistrate First Class, Bilaspur against the respondent-husband. As a counter blast thereto, the respondent-husband had filed petitions, under Section 9 of the Hindu Marriage Act and Section 10 of Guardians and Wards Act, against the petitioner-wife, before

the learned Additional Principal Judge, Family Court, Una and District and Sessions Judge, Una.

5. The transfer of the petition has been sought on the ground that the petitioner has no source of income and financial support, as the respondent-husband had never taken care of the petitioner-wife, as well as, their minor child and that there is distance of about 130 kilometers between the parental house of the petitioner and Una, as such, it is very difficult for her to attend the proceedings at Una.

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

7. Heard.

8. Although, opportunity was 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, has although, 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 9 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, Una, District Una, H.P., whereas, she is resident at village Utappar, Post Office Makhri, District Bilaspur, and the distance between the residence of the petitioner and the Court, where the matters are pending, is pleaded as 130 kilometers.

11. It is no longer *res integra* that the convenience of the wife is paramount consideration, in such type of matters, coupled with the fact that petitioner cannot be forced to contest the petition, by visiting the Court at Una, which is more than 130 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.339 of 2025***, titled as ***Lucky Kumar*** *versus* ***Manu***, pending adjudication before the Court of learned Additional Principal Judge-II, Family Court, Una, District Una, H.P., is transferred to the Court of learned Principal Judge, Family Court, Bilaspur, H.P.

13. Learned Principal Judge, Family Court, Bilaspur, District Bilaspur, 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 Additional Principal Judge, Family Court, Una, District Una, H.P., as well as, to the Court of learned Principal Judge, Family Court, Bilaspur, District Bilaspur, H.P., for compliance.

(Virender Singh)
Judge

April 24, 2026*(ps)*