2026:HHC:13546

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No. : 797 of 2025
Decided on : 24th April, 2026

Anjali …Petitioner

Versus

Raj Kumar …Respondent

Coram

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

Whether approved for reporting?[1]

For the petitioner : Mr. Anil Jaswal, Advocate.

For the respondent : Mr. Goldy Kumar, Advocate.

Virender Singh, Judge (Oral)

Petitioner–Anjali 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.810 of 2025, titled as Raj Kumar versus Anjali, instituted by the respondent-husband before the Court of learned Principal Judge, Family Court Kangra at Dharamshala, District Kangra to the Court of learned Principal Judge, Family Court, Hamirpur, District Hamirpur, 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 06.02.2007, as per Hindu rites and rituals and out of the said wedlock, the parties to the *lis* have been blessed with two children; namely Arshiya and son Kartikeyan.

3. As per the petitioner-wife, the relations between the parties remained cordial, for few years, but, later on, the respondent-husband and his family members started maltreating and harassing the petitioner. She, along with her children, who are studying at Hamirpur, was forced to live with her parents.

4. It is the further case of the petitioner-wife that the respondent-husband had filed a petition under Section 9 of the Hindu Marriage Act (hereinafter referred to as the Act), for restitution of conjugal rights before the Court of learned Principal Judge, Family Court, Kangra at Dharamshala.

5. According to the petitioner-wife, the distance between her residence and Dharamshala is about 100 kilometers. Being a lady and keeping in view the fact that her children, who are in their career making classes, it is difficult

for her to visit/attend the hearing in the case pending before the Court of learned Principal Judge, Family Court, Kangra at Dharamshala.

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, Kangra at Dharamshala,

District Kangra, H.P., whereas, she is resident at Hamirpur, and the distance between the residence of the petitioner and the Court, where the matter is pending, is pleaded as 100 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 Kangra at Dharamshala, which is about 100 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.810 of 2025***, titled as ***Raj Kumar*** *versus* ***Anjali***, pending adjudication before the Court of learned Principal Judge, Family Court, Kangra at Dharamshala, District Kangra, H.P., is transferred to the Court of learned Principal Judge, Family Court, Hamirpur, District Hamirpur, H.P.

13. Learned Principal Judge, Family Court, Hamirpur, District Hamirpur, 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 24, 2026*(ps)*