

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****CMPMO No.129/2023****Date of Decision: 25th November, 2025.**

Dandu Ram and Anr.Petitioners
Versus

Phoolan Devi ...Respondent

*Coram****The Hon'ble Mr. Justice Bipin Chander Negi, Judge.******Whether approved for reporting?¹***

For the Petitioners: Mr. Shrawan Dogra, Sr. Advocate with
Ms. Bhanvi Negi, Advocate.

For the Respondents: Ms. Madhurika Sekhon, Advocate.

Bipin Chander Negi, Judge (oral).

The petition, in the case at hand, had been filed by the present respondent under Section 25 of the Guardians and Wards Act, 1980 for the custody of minor daughters. Reply thereto was filed by the present petitioner. In the reply so filed, an issue of maintainability and jurisdiction was specifically and categorically raised.

2. Insofar as the issue of maintainability was concerned, a preliminary objection had been raised. In order to further substantiate the plea of the application filed under Section 25, being not maintainable before the learned trial Court, details were specifically mentioned in para 10 of the reply.

3. Insofar as the plea of jurisdiction is concerned, the preliminary objection No.3 was raised. Suffice it to state that being the dominus litus, the present respondent was free to choosing the Court of competent jurisdiction in accordance with law.



4. Perusal of the impugned order dated 06.03.2023 categorically reflects that neither the issue of maintainability, which was raised by the present petitioner before the learned trial Court nor the issue of jurisdiction has been dealt with. In my considered view, it would be appropriate if the impugned order dated 06.03.2023 is set aside and matter is remanded back to the learned trial Court for adjudication of the matter afresh on the aforesaid two submissions and on merits. The plea of maintainability besides other aspect be also considered in light of the principles of "*forum shopping*" and "*abuse of process of law.*"

5. Parties are directed to appear before the learned trial Court on **10.12.2025.** Any additional material, which the parties intend to place on record, shall be permitted to be so placed, within two weeks from the date of first appearance. The matter shall subject to convenience of the trial Court be finally concluded within two months thereafter.

6. In view of the aforesaid, present petition stands disposed of, so also the pending miscellaneous application(s), if any.

(Bipin Chander Negi)
Judge

25th November, 2025
(Gaurav Rawat)