

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.****CMPMO No. 582 of 2025****Decided on: 27.11.2025**

Manju

..... Petitioner

Versus

Vinod Kumar

.....respondent

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

For the petitioner : Mr. Prashant Sharma, Advocate.**For the respondent** : Mr. Varun Rana, Advocate.

Bipin Chander Negi, Judge (oral)

The present petition has been filed, seeking following relief:-

“That the present petition be allowed and the case titled, Vinod vs. Manju, H.M. Misc. Petition No. 43/2025, pending before the Court of learned Additional District Judge, Family Court, Sunder Nagar, District Mandi, H.P. may kindly be ordered to be transferred to the Court of learned Additional Principal Judge, Family Court, Bilaspur, District Bilaspur, H.P. in the interest of justice and fair play.”

2. No reply is intended to be filed on behalf of the respondent. Respondent has no objection, if in case the H.M. Misc. Petition No. 43/2025 is transferred from the Court of learned Additional District Judge, Family Court, Sundernagar,

¹ Whether the reporters of the local papers may be allowed to see the judgment?



District Mandi, H.P. to the Court of learned Additional Principal Judge, Family Court, Bilaspur, District Bilaspur, H.P.

3. Heard learned counsel for the parties and perused the pleadings and the documents appended along-with present petition.

4. The marriage of the present petitioner was solemnized with the respondent on 21.05.2023. Out of the said wedlock, as on date, there is no issue male or female. The respondent has filed a divorce petition before the Additional District Judge, Family Court, Sundernagar, District Mandi, H.P. under Section 13(1)(i)(a) of the Hindu Marriage Act, 1955.

5. The contention of the petitioner is that she is without any source of livelihood and is solely dependent on her father with whom she resides presently at Bilaspur. The respondent/husband is stated to be gainfully employed.

6. It is a settled principle of law that in a case where the wife seeks transfer of the petition, then as against husband's convenience, it is the wife's convenience that must be looked at. In this respect, a reference can be made to **2016 Latest HLJ (HP) 925, titled as Urvashi Rana Vs Himanshu Nayyar.**

7. This Court can not also lose sight of the fact that the petitioner would unnecessarily be made to spend huge sum of money on transportation, as she being respondent in the petition in the Court below initiated at the behest of the respondent



(Husband), would always be under an obligation to attend the Court at Sundernagar.

8. Other than the aforesaid, in **Civil Appeal No. 4894 of 2022** [arising out of SLP(C) No(s).16465 of 2021], titled as **N.C.V. Aishwarya versus A.S. Saravana Karthik Sha**, the Hon'ble Supreme Court has outlined the cardinal principles for considering prayer for transfer of proceedings, from one Court-place to another, in matrimonial matters in the following terms.

“7. The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socioeconomic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.

8. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by



the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.”

9. In view of the aforesaid facts and attending circumstances of the case and in view of the law enunciated by the Apex Court, present petition is allowed. The case pending before learned Additional District Judge, Family Court, Sundernagar, District Mandi, H.P. is ordered to be transferred to the Court of learned Additional Principal Judge, Family Court, Bilaspur, District Bilaspur, H.P.

10. The parties are directed to appear before the Trial Court on **05.12.2025**.

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

(Bipin Chander Negi)
Judge

November 27th, 2025
Susheel