

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No.288 of 2024

Decided on: 30th September, 2024

Lalita Kumari

.....**Petitioner**

Versus

Gaurav Thakur

.....**Respondent**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioner: Mr. Tara Singh Chauhan, Advocate.

For the Respondent: Mr. Amar Deep Singh, Advocate vice
Mr. Naresh K. Sharma, Advocate.

Jyotsna Rewal Dua, Judge

The petitioner has instituted this petition under Section 24 of the Civil Procedure Code seeking transfer of Case No.10/2024 (Gaurav Thakur Versus Lalita Kumari) preferred by the respondent-husband under Section 13(1) (i-a) of the Hindu Marriage Act in the Court of learned Additional Principal Judge, Family Court Hamirpur to the learned Additional Principal Judge, Family Court Ghumarwin, District Bilaspur.

2. The petitioner has submitted in the petition that marriage between the parties was solemnized on

¹Whether reporters of print and electronic media may be allowed to see the order? Yes

30.10.2019. Due to the marital discord, the petitioner left her matrimonial home on 05.02.2023 and is residing with her parents at Ghumarwin, District Bilaspur. That the petitioner is totally dependent upon her parents and is not being paid any maintenance amount by the respondent. It has also been submitted that the petitioner herself has instituted an application under Section 125 of the Criminal Procedure Code before the learned Additional Principal Judge, Family Court Ghumarwin, District Bilaspur against the respondent seeking maintenance.

3. Learned counsel for the petitioner submits that in view of the aforesaid factual position, it is not possible for the petitioner to defend herself in the divorce petition instituted against her by the respondent-husband at Hamirpur. Hence, prayer has been made to transfer the petition from the Court of learned Additional Principal Judge, Family Court Hamirpur to the learned Additional Principal Judge, Family Court Ghumarwin, District Bilaspur. Learned counsel further submits that the address of the petitioner given in the memo of parties is incorrect. The petitioner is residing at Ghumarwin, District Bilaspur. The memo of parties reflects that address of the petitioner,

which was given by the respondent in the divorce petition filed by him.

Learned vice counsel appearing for the respondent has no objection to the aforesaid prayer of the petitioner.

4. Considering the pleadings in the application and also the submissions made for the parties, HMA Petition No.10/2024 (Gaurav Thakur Versus Lalita Kumari), preferred by the respondent-husband before the Court of learned Additional Principal Judge, Family Court Hamirpur is ordered to be transferred to the Court of learned Additional Principal Judge, Family Court, Ghumarwin, District Bilaspur, H.P.

Registry is directed to convey this order forthwith to both the learned Courts below for compliance. Learned Additional Principal Judge, Family Court Hamirpur is directed to transfer the record pertaining to above-numbered petition forthwith to the learned Additional Principal Judge, Family Court Ghumarwin, District Bilaspur. Parties, through their learned counsel, are directed to remain present before the learned Additional Principal Judge, Family Court Ghumarwin, District Bilaspur on **28.10.2024**.

The petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

September 30, 2024
Mukesh

Jyotsna Rewal Dua
Judge