

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**CMPMO No. : 153 of 2026**

**Decided on : 07<sup>th</sup> May, 2026**

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Abhilekha Chaudhary

...Petitioner

Versus

Puneet Bhaniari

...Respondent

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*Coram*

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

*Whether approved for reporting?<sup>1</sup>*

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For the petitioner : Mr. Somesh Sharma, Advocate.

For the respondent : None.

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**Virender Singh, Judge** (Oral)

Notice issued to the respondent received back after due service. Despite service of notice, respondent has not bothered to put appearance. In such situation, further wait is not justifiable. As such, the present petition is being decided.

2. Petitioner–Abhilekha Chaudhary 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.376 of 2025,

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<sup>1</sup> *Whether Reporters of local papers may be allowed to see the judgment? Yes.*

titled as ***Puneet Bhaniari versus Abhilekha Chaudhary***, instituted by the respondent-husband, before the Court of learned Principal Judge, Family Court, Kangra at Dharamshala, District Kangra, to the Court of Principal Judge, Family Court, Kullu, District Kullu, H.P.

3. According to the petitioner-wife, she was married to respondent-husband, on 03.11.2020, as per Hindu rites and rituals and thereafter, they started living together as husband and wife in the matrimonial home. Out of the said wedlock, they have been blessed with a son; namely Rudhvik Bhaniari.

4. As per the petitioner-wife, the behaviour of respondent-husband towards her remained normal for two years, i.e., till the birth of their child. Thereafter, the respondent-husband, under the influence of liquor and Charas, started maltreating, beating and torturing the petitioner.

5. According to the petitioner-wife, thereafter, she had lodged FIR before Women Police Station, Kullu, against the respondent-husband, under Sections 498-A, 323, 342, 406, 504 and 506 IPC. Thereafter, the respondent-husband had filed a petition under Section 13(1)(ia) and (ib) of the Hindu

Marriage Act (hereinafter referred to as the Act), for dissolution of marriage before the Court of learned Principal Judge, Family Court, Kangra at Dharamshala, District Kangra, H.P., which, later on, was withdrawn. As such, earlier petition, filed for transfer of the case had been rendered infructuous and the same was also withdrawn by the petitioner.

6. According to the petitioner wife, she had also filed a petition, under Section 144 of BNSS, for grant of monthly maintenance to her, as well as, to her minor child, before the Court of learned Principal Judge, Family Court, Kullu, District Kullu, H.P.

7. As per the petitioner-wife, now, the respondent-husband has again filed a petition under Section 13(1)(ia) and (ib) of the Act, for dissolution of marriage before the Court of learned Additional Principal Judge, Family Court, Kangra at Dharamshala, District Kangra, H.P.

8. According to the petitioner-wife, she is an unemployed lady, having no source of income and presently residing at her parental home at Mountain Shack Hotel

Tibetan Colony Road Patlikuhal, lower Dobhi, Tehsil and District Kullu. She is facing financial crisis and cannot bear the expenditure to visit Dharamshala in every hearing.

9. According to the petitioner-wife, the distance between her residence and Dharamshala is about 178 kilometers and 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, District Kangra.

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

11. Heard.

12. Along with the present petition, the petitioner-wife has annexed the photocopy of the petition, filed by the respondent-husband, under Section 13(1)(ia) & (ib) of the Act.

13. The respondent-husband, despite service, has not bothered to put appearance before this Court to controvert the allegations, which have been levelled in the transfer application. Meaning thereby, whatsoever asserted by the

petitioner-wife, which is duly supported by the affidavit, has not been controverted by the respondent-husband.

14. Considering the fact that the convenience of the wife is paramount consideration, in such type of matters, coupled with the fact that whatsoever pleaded by the petitioner-wife, in the petition, remained uncontroverted, this Court is of the view that the present petition is liable to be allowed.

15. Consequently, the petition is allowed and the case bearing ***HMA Petition No.376 of 2025***, titled as ***Puneet Bhaniari versus Abhilekha Choudhary***, pending adjudication before the Court of learned Principal Judge, Family Court, Kangra at Dharamshala, District Kangra is transferred to the Court of learned Principal Judge, Family Court, Kullu, District Kullu, H.P.

16. Learned Principal Judge, Family Court, Kullu, District Kullu, H.P., is requested to proceed further, after securing the presence of both the parties.

17. Pending miscellaneous application(s), if any, shall also stand disposed of.

18. A copy of this order be sent to the Court of learned Additional Principal Judge, Family Court, Kangra at Dharamshala, District Kangra, as well as, to the Court of learned Principal Judge, Family Court, Kullu, District Kullu, H.P., for compliance.

**May 07, 2026***(ps)*

**( Virender Singh )  
Judge**