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Meeran Devi Vs. Sukh Dev

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Court : Himachal Pradesh

Decided On : May-23-2011

Judge : V.K. Ahuja, J.

Acts : Code of Civil Procedure (CPC) (C.P.C) - Section 24; Code of Criminal Procedure (CrPC) (Cr.P.C) - Section 125; The Hindu Marriage Act 1955 - Section 9

Appeal No. : CMPMO No. 416 of 2010

Appellant : Meeran Devi

Respondent : Sukh Dev

Advocate for Def. : Mr. Ajay Kumar, Adv.

Advocate for Pet/Ap. : Mr. K.D. Sood, Adv.

Judgement :

1. The present petition under Section 24 C.P.C. has been filed by the petitioner in H.M. Petition No. 40 of 2008 titled Sukh Dev v. Meeran Devi, pending in the Court of Additional District Judge, Mandi.

2. Notice of the petition was issued to the respondent.

3. I have heard the learned counsel for the parties and have gone through the record of the case.

4. The petitioner who is respondent in the petition, has prayed for transfer of the case from District Mandi to District Hamirpur on some allegations. The first allegation made by her is that the marriage was solemnized at Mandi, she is an illiterate and it is difficult for her to appear at Mandi on each date of hearing since Mandi town is at a distance of 80 K.M. from the village of the petitioner, whereas the village of the respondent is 25 K.M. from Hamirpur and the village of the petitioner is also 14 K.M. from Hamirpur.

Therefore, it appears that Hamirpur Courts are very convenient to both the parties. The previous litigations were also at Hamirpur, which were under Section 125 Cr.P.C. and under Section 9 of the Hindu Marriage Act, 1955. Keeping in view the assertions made by the petitioner, it appears that it will be convenient for both the parties, if the case is tried at Hamirpur.

5. In view of the above discussion, the petition is allowed and the case i.e. H.M. Petition No. 40 of 2008 titled Sukh Dev v. Meeran Devi, pending before the learned Additional District Judge, Mandi, stands transferred to the Court of learned District Judge, Hamirpur, who may try the case himself or assign the same to any of the Additional District Judge at Hamirpur.

Parties through their learned counsel are directed to appear in the Court of learned District Judge, Hamirpur, on 20th June, 2011. Copies of the order be sent to the learned District Judge, Hamirpur, and learned Additional District Judge, Mandi, respectively, for information and necessary compliance.

6. In view of the disposal of the main petition, all the pending miscellaneous application(s), if any, also stand disposed of. Interim order shall also stand vacated.

7. The Registry shall submit a report on the administrative side to the Hon’ble Chief Justice for delay in putting up the case after sufficiently long time.

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