



IN THE HIGH COURT OF ORISSA, CUTTACK

TRP(C) No.303 of 2025

Sumitra Moharana @
Maharana Petitioner

-Versus-

Prafulla Chandra
Moharana Opposite Party

For Petitioner : Mr.K. Das, Advocate
For Opposite Party : Mr. H.S. Deo, Advocate

CORAM: JUSTICE SANJAY KUMAR MISHRA

Date of Hearing & Judgment: 24.07.2026

S.K. MISHRA, J.

1. Learned Counsel for the Parties are present.
2. Pursuant to order dated 14.11.2025, both the parties were sent for mediation to the High Court Mediation Centre, Aain Seva Bhawan, Cuttack to resolve their dispute and differences amicably. However, as per the mediation report dated 17.01.2026 at Flag-C, the mediation became unsuccessful. Even though, no objection has been filed till date opposing to such prayer for transfer, on consent of the learned Counsel of the parties, the transfer petition is taken



up for hearing and disposal at the stage of admission, permitting the learned Counsel for the Opposite Party to advance his oral objections, if any, opposing the prayer made in the transfer petition.

3. Heard learned counsel for the parties.

4. The present transfer petition has been preferred by the Petitioner-wife seeking transfer of the proceeding in CP No.157 of 2025 pending in the Court of learned Judge, Family Court, Jagatsinghpur to the Court of learned Judge, Family Court, Kataka on the grounds detailed in the transfer petition.

5. Reiterating the grounds urged in the transfer petition, Mr. Das, learned Counsel for the Petitioner, relying on a recent judgment of this Court dated 17.04.2026 passed in TRP(C) No.383 of 2023 (**Susmita Sahoo V. Sanatan Sathua**) submits that, in view of the grounds urged in the transfer petition so also decision of this Court, in **Susmita Sahoo** (*supra*), the present Petitioner also deserves a similar kind of order, as prayed in the transfer petition.



6. Mr. Das, further submits, the Petitioner is presently serving as a Staff Nurse at SCB Medical College and Hospital, Kataka and her son is also suffering from focal seizures, thyroid since birth and is taking S. therapy/play therapy and is regularly under the supervision of a Doctor since April, 2023.

6.1. That apart, the Opposite Party and his family members are stated to be very influential persons in Jagatsinghpur. There is a regular threat by the Opposite Party-Husband to take revenge on her. The Petitioner has reasonable ground to apprehend threat. That apart, there is a danger to her life, as she is being regularly threatened by her in-laws and husband, if she goes to Jagatsinghpur to attend day-to-day proceedings in CP No.157 of 2025.

6.2. Further, there is no male member in her family to accompany her to Jagatsinghpur for attending the day-to-day proceedings before the learned Judge, Family Court, Jagatsinghpur and to take care of her minor handicapped child in her absence at Cuttack. Her husband is continuously giving telephonic threats. The Petitioner is in fear and now she is not in a position to go to Jagatsinghpur



to attend the day-to-day proceedings before the learned Judge, Family Court, Jagatsinghpur.

8. Per contra, learned Counsel for the Opposing Party, denying such allegations to be false and baseless, opposes the prayer for transfer on the ground that the Petitioner, being a working lady, is financially capable of attending the day-to-day proceedings before the learned Judge, Family Court, Jagatsinghpur, which is hardly 45 kms from Kataka. She can take leave and attend the Court proceedings at Jagatsinghpur, whenever it is so required by the learned Court. That apart, she can also move an application to allow her to appear through virtual mode.

8.1. Learned Counsel for the Opposite Party further submits, as per the instruction received, his client is presently working as a temporary clerk in Union Bank at Jagatsinghpur and it would be difficult on his part to attend the day-to-day proceedings at Kataka, if the prayer of the Petitioner for transfer of the proceedings from Jagatsinghpur to Kataka is allowed. He submits that the concerned bank may not permit the Opposite Party-husband to avail frequent leave, as the same may affect the



day-to-day smooth functioning of the branch of a nationalized bank

9. Law is well settled that while considering application for transfer of matrimonial proceedings, convenience of wife must be looked at. In the case of **(N.C. V. Aishwarya Vs. A.S. Saravana Karthik Sha)**, reported in 2022 SCC Online SC 1199, the Supreme Court held as follow:

*“9. 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 behavioral 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 socio-economic paradigm in the Indian society, generally, it is the wife’s convenience which must be looked at while considering transfer.**”*

(Emphasis supplied)

10. Taking note of the submissions made by the learned Counsel for the parties so also the settled position of law, as detailed above, this Court is inclined to allow the prayer



made in the transfer petition for transfer of proceeding in CP No.157 of 2025, pending in the Court of learned Judge, Family Court, Jagatsinghpur, to the Court of learned Judge, Family Court, Kataka.

11. Accordingly, the learned Judge, Family Court, Jagatsinghpur is directed to transmit the case record in CP No.157 of 2025 to the Court of learned Judge, Family Court, Kataka at the earliest, preferably within a period of seven days from the date of production of certified copy of this Judgment.

12. On receiving the case record in CP No.157 of 2025 from the learned Judge, Family Court, Jagatsinghpur, the Court of learned Judge, Family Court, Kataka shall re-register the said case, if so required, and proceed further in accordance with law giving due opportunity to both the parties and shall try to conclude the said proceeding at the earliest, preferably by end of June, 2027 .

13. It is made clear that both the parties will be at liberty to appear before the Court of learned Judge, Family Court, Kataka through virtual mode, with due permission of the concerned Court, in case they face any difficulty on any



date to appear physically before the said Court. The learned Judge, Family Court, Kataka is requested to explore the facility of video conferencing available in the said Court and allow the parties to appear through video conferencing mode following the guidelines prescribed under the Orissa High Court Video Conferencing for Courts Rules, 2020. However, on the dates of effective hearing, i.e., for examination and cross-examination of witnesses and other purposes, for which their presence may be required by the Court and if it is so ordered, the parties so also their witnesses, if any, shall remain physically present before the learned Judge, Family Court, Kataka.

14. To avoid delay and notice, both the parties are directed to make a query themselves or through their Counsel from the Court of learned Judge, Family Court, Kataka to ascertain the date and purpose of posting of CP No.157 of 2025 and participate in the said proceeding.

15. Both the parties are directed not to seek for unnecessary adjournments and cooperate with the learned Judge, Family Court, Kataka for early disposal of CP.No. 157 of 2025, as directed above.



16. With the said observation and direction, the transfer petition stands allowed and disposed of.

17. Office is directed to communicate a copy of this Judgment to the Court of learned Judge, Family Court, Jagatsinghpur so also the Court of learned Judge, Family Court, Kataka enabling the said Courts to act in terms of the observations made above.

18. Interim order dated 09.09.2025 passed in I.A. No.323 of 2025 stands vacated.

19. Urgent certified copy of this Judgment be granted on proper application as per rules.

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S.K. Mishra, J.

*Orissa High Court, Cuttack.
Dated, 24th July , 2026/ Mona*

Signature Not Verified

Digitally Signed
Signed by: MONALISA SWAIN
Reason: Authentication
Location: High Court of Orissa
Date: 27-Jul-2026 18:30:51

