



IN THE HIGH COURT OF ORISSA, CUTTACK

TRP(C) No.316 of 2025

Dharitree Das &
another

.....

Petitioners

-Versus-

Abhilash Dash

.....

Opposite Party

For Petitioner : Ms. P.N. Nayak, Advocate

For Opposite Party : Mr. H. Tripathy, Advocate

CORAM: JUSTICE SANJAY KUMAR MISHRA

Date of Hearing & Judgment: 28.07.2026

S.K. MISHRA, J.

1. The present transfer petition has been preferred by the Petitioners under Section 24 of the Code of Civil Procedure for transfer of the proceeding in Guardian Misc. Case No.46 of 2024, pending in the Court of learned Judge, Family Court, Baripada to the Court of learned Judge, Family Court, Bhubaneswar-1 on the grounds detailed in the transfer petition.

2. On being noticed, the Opposite Party-husband has filed a Counter Affidavit opposing such prayer for transfer.



3. Since pleadings are complete, on consent of the learned Counsel for the parties, the transfer petition is taken up for hearing and disposal of at the stage of admission.

4. Learned Counsel for the Petitioners submits, in view of the grounds urged in the transfer petition so also settled position of law, this is a fit case in which a direction be given to the learned Judge, Family Court, Baripada for transfer of Guardian Misc. Case No.46 of 2024 to the Court of learned Judge, Family Court, Bhubaneswar-1.

5. Learned Counsel for the Opposite Party, with all fairness, submits that although a counter affidavit has been filed by the Opposite Party-husband opposing to the prayer made in the transfer petition, as per the recent instruction received from the Opposite Party-husband, he has no objection to such prayer for transfer, provided the Guardian Misc. Case No.46 of 2024 is targeted and disposed of in a time-bound manner.

6. Recording the submissions made by the learned Counsel for the Petitioners so also the concession made by the learned Counsel for the Opposite Party, the transfer petition is allowed and disposed of with a direction to the



learned Judge, Family Court, Baripada, to transmit the case record in Guardian Misc. Case No. 46 of 2024 to the Court of the learned Judge, Family Court, Bhubaneswar-1 at the earliest, preferably within a period of seven days from the date of production of certified copy of this Judgement.

7. On receiving the case record in Guardian Misc. Case No. 46 of 2024 from the learned Judge, Family Court, Baripada, the Court of learned Judge, Family Court, Bhubaneswar-1 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 including the pending applications, if any, at the earliest, preferably by end of March, 2027.

8. Since the Petitioner-wife is a working lady so also the Opposite Party-husband is also employed, liberty is granted to both the parties to appear before the Court of learned Judge, Family Court, Bhubaneswar-1 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, Bhubaneswar-1 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, Bhubaneswar-1.

9. 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, Bhubaneswar-1 to ascertain the date and purpose of posting of Guardian Misc. Case No. 46 of 2024 and participate in the said proceeding.

10. Both the parties are directed not to seek for unnecessary adjournments and cooperate with the learned Judge, Family Court, Bhubaneswar-I for early disposal of Guardian Misc. Case No. 46 of 2024, as directed above.



11. Office is directed to communicate a copy of this Judgment to the Court of learned Judge, Family Court, Baripada so also the Court of learned Judge, Family Court, Bhubaneswar-I enabling the said Courts to act in terms of the observations made above.

12. Interim order dated 22.09.2025 passed in I.A. No.353 of 2025 stands vacated.

13. 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 the, 28th July , 2026/ Mona*

Signature Not Verified

Digitally Signed
Signed by: MONALISA SWAIN
Reason: Authentication
Location: High Court of Orissa
Date: 29-Jul-2026 18:34:24

