

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**TRP(C) No.13 of 2022**

**Pratima Behera & Anr. .... Petitioners**

***-versus-***

**Kuni Behera & Ors. .... Opposite Parties**

**CORAM:  
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER  
19.12.2022**

**Order No**

- 07.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. B.S. Rayaguru, learned counsel for the Petitioners and Mr. B.B. Mishra, learned counsel appearing for the Opp. Parties.
3. This transfer petition has been filed seeking transfer of MAC Case No. 19 of 2018 from the file of learned MACT-Cum- District Judge, Boudh to the Court of learned MACT-Cum- 1<sup>st</sup> Additional District Judge, Cuttack.
4. It is the main contention of the learned counsel for the Petitioner that after the death of her husband the Petitioner is residing at Cuttack and she has filed claim case in MAC Case No. 826 of 2018 in the Court of learned MACT –cum- 1<sup>st</sup> Additional District Judge, Cuttack. But the mother-in-law has initiated the other claim in MAC Case No. 19 of 2018 in the Court of learned MACT –cum- District Judge, Boudh. This Court after going through the Petition filed by the O.P. No. 1, finds that the Petitioner in MAC Case No. 19 of 2018 is the mother in law and she has also impleaded the present Petitioners as Opp. Party Nos. 3 & 4. O.P. No. 1 in her

claim Petition has also prayed that the compensation amount be released in full in favour of the Petitioner & O.P. Nos. 3 & 4.

5. Mr. Mishra, learned counsel appearing for the O.P. No. 1 submitted that in the aforesaid MAC Case No. 19 of 2018 the insurer has already entered appearance and has filed the written statement.

6. Considering the submissions made by the learned counsel for the Petitioners, this Court is not inclined to allow the prayer as made in the present transfer petition. However, since it is submitted by Mr. B.S. Rayaguru, learned counsel for the Petitioners that the Petitioners will not press MAC Case No. 826 of 2018 filed by her before learned MACT –Cum- 1<sup>st</sup> Additional District Judge, Cuttack and will file an application to that effect within a period of seven (7) days from today, learned MACT –Cum- District Judge, Boudh is directed to dispose of MAC Case No. 19 of 2018 by the end of April 2023, if there is no other legal impediment.

7. The transfer petition is disposed of with the aforesaid observation and direction.

**(Biraja Prasanna Satapathy)**  
**Judge**

*Sneha*