

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.371 of 2017

Pranati Samal @ Pranati Bai

.... ***Petitioner***
Mr.A.C.Behera, Advocate

Versus

Amarendranath Bai

.... ***Opposite Party***
None

CORAM:
JUSTICE SAVITRI RATHO

ORDER
14.09.2022

Order No.
06.

(Through hybrid mode)

1. Perused the report dated 09.09.2022 of the learned Judge, Family Court, Bhadrak wherein it is indicated that the case, i.e., C.P. No.157 of 2017 is posted to 20.10.2022 for filing of written statement/conciliation.
2. This application has been filed by the petitioner-wife under Section 24 of C.P.C. for transfer of C.P. No.157 of 2017 filed by the opposite party-husband under Section-13 of the Hindu Marriage Act in the Court of learned Judge, Family Court, Bhadrak, to the Court of learned Judge, Family Court, Cuttack.
3. None appears for the opposite party when the matter is called even though Mr. Kalpataru Panigrahi, learned counsel and associates have entered appearance on his behalf. None had appeared on his behalf on 26.08.2022 when the matter was last listed.
4. Mr.Behera, learned counsel for the petitioner submits that the marriage between the parties had been solemnized on 24.02.2012

and the parties have been blessed with a male child on 29.6.2014. The petitioner is serving in Bharatiya Reserve Bank, Note Mudra Ltd. (BRB NMPL) at Salabani, District:Mdinipur in West Bengal while her minor son is studying and staying with her parents in Cuttack. The petitioner comes regularly to Cuttack to look after her son. As she is employed in West Bengal and comes to Cuttack wherever possible to spend time with her son, it will be highly inconvenient for her to go to Bhadrak to contest the case as she is unable to go to Bhadrak as Bhadrak is about 100 K.Ms. away from Cuttack. He further submits that the opp. party is presently working at Noida, Uttar Pradesh. Hence, it will not be inconvenient for him if the case is transferred to Cuttack as it is well connected by road and rail.

5. Considering the above submission and keeping in mind the settled position of law that convenience of the wife is normally given more weightage in matrimonial cases, the prayer for transfer of C.P. No.157 of 2017 is allowed.

6. The learned Judge, Family Court, Bhadrak is requested to transmit the records of C.P. No.157 of 2017 (**Amarendranath Bai v. Pranati Samal**) to the Court of learned Judge, Family Court, Cuttack by 30.09.2022. The petitioner undertakes to appear in the Court of the learned Judge, Family Court, Cuttack on 17.10.2022 and undertakes to file her written statement by 28.10.2022. Since there is no appearance of the opp. party, the learned Judge, Family Court, Cuttack shall issue notice to the opposite party for his appearance in the C.P. No.157 of 2017. Both parties shall cooperate for early disposal of the case. Liberty is granted to the parties to apply to the Court for adducing

their evidence through Video Conferencing mode, in case of necessity.

7. With the aforesaid observations and directions, the TRP (C) is allowed.

8. Registry is directed to send a copy of this order to the Court of learned Judge, Family Court, Bhadrak for compliance.

9. Urgent certified copy of this order be granted as per rules.

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Savitri Ratho
Judge

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