

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.32 of 2022

Sthiti Prangya Satapathy ***Petitioner***

-versus-

Basudev Mohapatra ***Opposite Party***

CORAM: JUSTICE S. PUJAHARI

ORDER

31.03.2022

Order

No.

02.

1. This matter is taken up through hybrid mode.
2. This petition has been filed by the Petitioner for transfer of Civil Proceeding No.643 of 2021 instituted at the instance of the Opposite Party-husband from the file of the learned Judge, Family Court, Cuttack to the Court of Judge, Family Court, Bhubaneswar. The proceeding is one under the Guardianship and Wards Act.
3. Heard the learned counsel for the Petitioner-wife and the learned counsel for the Opposite Party-husband.
4. The Petitioner has sought for transfer the aforesaid Civil Proceeding on the ground that the divorce case in C.P. No.199 of 2021 filed by the Petitioner-wife and the petition in C.P. No.417 of 2021 filed by the Opposite Party-husband for restitution of conjugal rights are pending before the Court of Judge, Family Court, Bhubaneswar.

5. The case pending at Cuttack is not required to be tried analogously with the cases pending at Bhubaneswar. The distance that can be covered hardly within one hour. Ordinarily the Court having jurisdiction should try a case, but transfer of the same can be made in exceptional circumstances under Section 24 of the Code of Civil Procedure, if sufficient cause is shown.

6. Here in this case, the ground sought for being not convincing, the Court is not inclined to transfer the Civil Proceeding No.643 of 2021 to the Court of Judge, Family Court, Bhubaneswar.

7. Accordingly, the TRP(C) stands dismissed.

(S. Pujahari)
Judge

DA