

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 61 of 2022

Sagnika Dhal

....

Petitioner

Mr. Partha Sarathi Nayak, Advocate

Versus

Sanjeet Behera

....

Opposite Party

CORAM:

JUSTICE SAVITRI RATHO

ORDER

03.08.2022

Order No.

06.

1. This matter is taken up through hybrid mode.
2. This application has been filed by the petitioner-wife under Section 24 of C.P.C. for transfer of MAT Case No. 110/468 of 2013-09 filed by the opposite party-husband under Section 9 of the Hindu Marriage Act from the Court of learned Judge, Family Court, Baripada, to the Court of learned Judge, Family Court, Jajpur.
3. Since the MAT case is of the year 2009 and the opposite party was not appearing in the case in spite of service of notice, on the last date i.e. 14.07.2022, a report had been called for from the Court of learned Judge, Family Court, Baripada regarding status of MAT Case No. 110/468 of 2013-09.
4. Report dated 18.07.2022 reveals that after the petitioner had appeared and filed written statement on 01.05.2010, issue was settled on 13.10.2011 and two witnesses, namely, Dasaratha Behera and Jyotsna Behera

were examined on behalf of the petitioner. On 09.01.2012, a receipt of the interim order of stay of this Court, further proceeding was stayed till 08.11.2021. Thereafter obeying the ratio of the decision of the Hon'ble Supreme Court in the case of *Asian Resurfacing of Road Agency Pvt. Ltd. And Another vrs. Central Bureau of Investigation*, the Court vacated the stay order and issue notice to the parties for their appearance. But in spite of issuance of notice, none of the parties had appeared in the case for which the case has been dismissed for non-appearance of the parties on 05.04.2022. The Court has also reported that from 23.02.2012 till 05.04.2022, both parties remained absent and no steps have been taken on their behalf.

5. Considering the fact that the case has been dismissed for default in the learned court below, nothing remains to be decided in this TRP(C) and the same is dismissed.

Urgent certified copy of this order be granted on proper application.

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(Savitri Ratho)
Judge

puspa