

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP (Crl.) No.09 of 2022

Satyajit Padhi

....

Petitioner

-versus-

Jogamaya Pati

....

Opposite Party

**CORAM:
THE JUSTICE S.PUJAHARI**

**ORDER
07.03.2022**

**Order
No.**

- 02.
1. This matter is taken up through Hybrid mode.
 2. This petition has been filed by the Petitioner-husband to transfer CMC (DV) Case No.131 of 2018 from the file of learned J.M.F.C. (2), Keonjhar to the court of Judge, Family Court, Keonjhar.
 3. Heard learned counsel for the Petitioner.
 4. It is stated by the learned counsel for the Petitioner-husband that CMC (DV) Case No.131 of 2018 is pending in the court of learned J.M.F.C (2), Keonjhar filed by the Opposite Party-wife against him and another matrimonial dispute filed by the Opposite Party-wife claiming maintenance under Section

125 Cr.P.C. is pending before the learned Judge, Family Court, Keonjhar. Therefore, the Petitioner seeks transfer of the aforesaid CMC (DV) Case No.131 of 2018 to the court of Judge, Family Court, Keonjhar.

5. Considering the facts and the submissions made and the law laid down by the apex Court in the case **Rajnesh vrs. Neha** (Criminal Appeal No.730 of 2020 arising out of SLP (Crl. No.9503 of 2018 disposed of on 4th November, 2020), this Court is of the view that if CMC (DV) Case No.131 of 2018 is transferred from the file of learned J.M.F.C. (2), Keonjhar to the file of learned Judge, Family Court, Keonjhar, the same will not cause any inconvenience to the Opposite Party-wife since both the courts are located in one place. Therefore, without issuing notice to the Opposite Party-wife, this Court directs that CMC (DV) Case No.131 of 2018 pending on the file of learned J.M.F.C. (2), Keonjhar be transferred to the court of Judge, Family Court, Keonjhar. Both the courts shall do the needful on production of the certified copy of this order and intimate the same to the Opposite Party. Learned Judge, Family Court,

Keonjhar is directed to dispose of both the cases as expeditiously as possible, preferably within six months.

6. However, liberty is given to the Opposite Party-wife to seek review/modification of the order by filing appropriate application in this petition, if so aggrieved.

7. With the aforesaid order, this TRP(Crl.) stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

(S. Pujahari)
Judge

PKS