

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.77 of 2022

Kadambini rout @ Giri

.....

Petitioner

Mr.S.K.Patnaik, Advocate

- Versus-

Kamala Kanta Giri

.....

Opposite party

CORAM:

JUSTICE BISWANATH RATH

ORDER

17.03.2022

Order No.

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1. Heard learned counsel for Petitioner.
2. This Transfer Petition has been filed by the wife-Petitioner seeking transfer of C.P. No.89 of 2020 filed under Section 9 of the Hindu Marriage Act from the Court of learned Judge, Family Court, Balasore to the Court of learned Judge, Family Court Baripada.
3. Considering that the application under Section 9 of the Hindu Marriage Act needs to be disposed of depending on the wife's agreement or disagreement to join the husband before the Family Court, this Court is not inclined to entertain the transfer application. It is, in this view of the matter, but however, taking into account that the C.P. proceeding is instituted at Balasore and the wife-opposite party is staying at Baripada and for being an unemployed lady, this Court permits the wife-Petitioner to file her response by way of an affidavit through Speed Post with A.D. or Registered Post with A.D. addressing to the Registry of the District Court, Balasore

with her contact number therein within a period of ten days hence. On production of such affidavit before the Family Court, in the event the wife agrees to join the husband, the Family Court, Balasore is directed to undertake the final hearing of the Civil Proceeding No.89 of 2020 and close the proceeding by passing appropriate order at least within a period of four weeks thereafter. Further, in the event the wife disagrees to join the husband, the learned Judge, Family Court, Balasore shall first arrange a conciliation process fixing a suitable date for appearance of both the parties. In the event the conciliation process did not materialize, the learned Judge, Family Court, Balasore shall conclude the proceeding as expeditiously as possible preferably within one more date from the date of failure of conciliation, if any, without even insisting appearance of the wife. This Court here makes an observation in the event the wife is required to move to Balasore to attend the proceeding on the date fixed and there is possibility of engagement of counsel as well as travelling expenses, the husband is directed to deposit a sum of Rs.1,000/- (Rupees one thousand) only at least two days prior to the date of posting of the proceeding and the amount be released in favour of the wife on filing appearance memo on each date of posting.

4. With the aforesaid observation and direction, the Transfer petition stands disposed of.

(Biswanath Rath)
Judge