

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 88 of 2019

Subhalaxmi Nayak

.....

Petitioner

Mr. P.P. Parida, Adv.

Vs.

Sridhar Nayak

.....

Opposite Party

Mr. S. Mishra, Adv.

CORAM:

JUSTICE SAVITRI RATHO

ORDER

02.08.2022

Order No.

12.

This matter is taken up through hybrid mode.

2. Heard Mr. P.P. Parida, learned counsel for the petitioner and Mr. S. Mishra, learned counsel for the opp. party.

3. This application under Section 24 of the C.P.C. has been filed by the petitioner-wife praying for transfer of C.P. No.11 of 2019 filed by the opposite party-husband under Section 9 of the Hindu Marriage Act, in the Court of the learned Judge, Family Court, Nayagarh, to the Court of the learned Judge, Family Court, Bhubaneswar.

4. In this application, notice had been issued to the opp. party vide order dated 01.05.2019 and further proceeding in C.P. No. 11 of 2019 had been stayed, thereafter, the interim order has been extended from time to time and the matter has not proceeded further till date.

5. Mr. Parida, learned counsel for the petitioner submits that the petitioner was subjected to violence and torture by the opp. party and ultimately driven out from her matrimonial house along with her son and daughter and she has moved to

Bhubaneswar and has filed Criminal Proceeding No. 23 of 2019 under Section 125 of Cr.P.C. praying for maintenance for herself as well as her son and daughter and the opp. party has already entered appearance in the case and he is coming to Bhubaneswar to attend the case for which no prejudice should be caused to him, if the case is transfer from Nayagarh to Bhubaneswar.

6. Mr. Mishra, learned counsel has filed the Vakalatnama on behalf of the opp. party in Court today as the Vakalatnama stated to have been filed earlier could not be traced by the registry. He further submits that in the meanwhile, the son is residing with him and the daughter is residing with the petitioner and he has no objection if the C.P. is transferred to Bhubaneswar provided the petitioner-wife co-operates for early disposal of the case.

7. Considering the above submissions, the prayer for transfer is allowed and the C.P. Case No. 11 of 2019 pending in the Court of the learned Family Court, Nayagarh is transferred to the Court of the learned Judge, Family Court, Bhubaneswar. The learned Family Court, Nayagarh is directed to send the records of the case to the learned Judge, Family Court, Bhubaneswar by 23.08.2022. The parties undertake to appear in the Court of the learned Judge, Family Court, Bhubaneswar on 07.09.2022.

8. Considering the fact that some inconvenience will be faced by the opp. party to come to Bhubaneswar to attend the case, the learned Judge, Family Court, Bhubaneswar is requested not to grant unnecessary adjournments and make endeavour to dispose of the case within a period of six month from the date of their appearance i.e. 07.09.2022.

9. The TRP (C) is accordingly disposed of.
10. Issue urgent certified copy as per rules.
11. Registry is directed to send a copy of this order to the Court of learned Judge, Family Court, Nayagarh forthwith.

Sukanta

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(SAVITRI RATHO)
JUDGE

