

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) NO.83 OF 2022

Nibedita Dash

....

Petitioner

Mr. A.N.Samantaray, Adv.

-versus-

Sai Prasad Tripathy

....

Opposite Party

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
17.3.2022**

Order No.

01. **1.** This Transfer Petition has been filed by the wife-Petitioner seeking transfer of the C.P. No.1012 of 2021 from the Court of learned Judge, Family Court, Bhubaneswar to the Court of learned Judge, Family Court, Jagatsinghpur.
2. Learned counsel for Petitioner submitted that since the wife is an unemployed and deserted lady and dependant on her parents, she is unable to meet the travelling expenses in attending the proceeding at Bhubaneswar and therefore, she has filed this present petition for transfer of the C.P. No.1012 of 2021.
3. Considering the submission made on behalf of the wife-Petitioner, looking to the status of the wife-Petitioner and finding that the husband has given the address of the wife to be a resident of Jagatsinghpur District in C.P. No.1012 of 2021, this Court observes,

there would be no difficulty, if the case of the husband gets transferred to the Family Court, Jagatsinghpur, rather it would be convenient for both the parties to attend the proceeding at Jagatsinghpur. In the process, this Court directs for transfer of the C.P. No.1012 of 2021 from the Court of learned Judge, Family Court, Bhubaneswar to the Court of learned Judge, Family Court, Jagatsinghpur.

4. Petitioner is directed to serve a copy of this order on the learned Judge, Family Court, Bhubaneswar within a period of ten working days hence and on receiving this order, the learned Judge, Family Court, Bhubaneswar shall transmit the case records involving C.P. No.1012 of 2021 within a period of two weeks thereafter to the Court of learned Judge, Family Court, Jagatsinghpur for its doing the needful. For the nature of dispute between the parties, the learned Judge, Family Court, Jagatsinghpur is also directed to have settlement/conciliation process between the parties for at least two dates. In the event of failure of conciliation, the learned Judge, Family Court, Jagatsinghpur shall proceed to dispose of the proceeding vide C.P. No.1012 of 2021, as expeditiously, as possible preferably within a period of nine months from the date of transmission of the records. Petitioner is directed to bring the order of this Court to the notice of the learned Judge, Family Court, Bhubaneswar about transfer of the proceeding.

5. This Court records the undertaking of the Petitioner through her Counsel that while producing a copy of this order before the Family Court, Bhubaneswar, the Petitioner shall also make

appearance by filing appearance memo. This Court further records the undertaking of the wife-Petitioner through her counsel that she will co-operate the learned Judge, Family Court, Jagatsinghpur in timely disposal of the proceeding. Since this order is passed only hearing the learned counsel for the wife-Petitioner, but however, taking into consideration the reasons assigned hereinabove, this Court permits the husband-Opposite Party, in the event of any hard necessity, may apply for modification of this order.

6. This order shall be communicated to the husband-Opposite Party at the cost of the wife-Petitioner, for which requisites by way of Speed Post with A.D. shall be filed within five working days hence.

7. With the above observation and direction the Transfer Petition stands disposed of.

(Biswanath Rath)
Judge

M.K.Rout