

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 246 of 2016

Nandita Sethi @ Behera

.....

Petitioner
None

Vs.

Sadananda Behera & Others

.....

Opposite parties

CORAM:

JUSTICE SAVITRI RATHO

ORDER

08.07.2022

Order No.

4.

This matter is taken up through hybrid mode.

2. In this application, the petitioner-wife has prayed for transfer of C.S. No.215 of 2016 filed under Section 13(1) of the Hindu Marriage Act, by the opposite party-husband in the Court of the learned Senior Division, Talcher, to the Court of the learned Judge, Family Court, Cuttack.

3. None appears for the petitioner when the matter is called, but a memo has been filed by the opp. party no.1 stating that he does not want to proceed with the case as he has already withdrawn his case pending in the Court of learned Senior Civil Judge, Talcher. He has filed a copy of the order dated 28.06.2022 passed in Civil Suit No. 215 of 2016 by the learned Senior Civil Judge, Talcher.

4. Perusal of the order dated 28.06.2022 reveals that the opp. party who is a plaintiff in the Civil Suit had filed a petition under Order 23 Rule 1 of CPC to withdraw the suit on the ground that the dispute has been amicably settled between the parties and the marriage of the parties has been dissolved on mutual consent as per order of Family Judge, Bhadrak in

Civil Proceeding No. 205 of 2021 and accordingly, the suit has been disposed of as withdrawn.

5. In view of the withdrawal of Civil Suit No. 215 of 2016, the TRP(C) is dismissed as infructuous.

Issue urgent certified copy as per rules.

(SAVITRI RATHO)
JUDGE

Sukanta

