

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.84 of 2022

Archana Das @ Sahu

.... ***Petitioner***
Ms. Mohini Sahoo, Advocate

Versus

Biswajit Sahu

.... ***Opp. Party***
Mr. U.K. Samal, Advocate
alongwith Mr. M.R. Mohapatra, Advocate

CORAM:
JUSTICE SAVITRI RATHO

ORDER
08.07.2022

Order No.

03. This matter is taken up by hybrid mode.
2. This application has been filed by the petitioner-wife under Section 24 of C.P.C. for transfer of C.S. (MAT) Case No.106 of 2021 filed by the opp. party-husband under Section 13 (1) (i-a) of Hindu Marriage Act, 1955 in the Court of learned Civil Judge (Senior Division), Titilagarh, to the Court of learned Judge, Family Court, Sambalpur.
3. Learned counsel for the petitioner submits that the petitioner has no independent source of income and on account of ill-treatment by opp. party – husband, the petitioner had left her matrimonial house and moved to Rengali where she was staying with her parents and her brother. The petitioner is dependant on them as the opp. party is not paying any maintenance. He further submits that two cases filed by the petitioner, namely, CMC (DV) No.354 of 2021 filed under Section 12/23 (2) of the D.V. Act in the Court of learned S.D.J.M., Sambalpur and C.P. No.151 of 2021 filed under Section 13 (1) (i-a) of the Hindu Marriage Act in the Court of learned Judge, Family Court, Sambalpur are pending and the opp. party has already appeared in CMC (DV) No.354 of 2021 for which no inconvenience will be faced by the opp. party to appear if this case is transferred to Samablpur. It would be in the interest of justice if both the Civil Proceedings will be tried in one Court.

4. Learned counsel for the opp. party objects to the said prayer stating that the petitioner has left the company of the opp. party voluntarily and has filed the DV case in Sambalpur making false allegation in order to harass him and inconvenience shall be caused to him if the case is transferred from Titilagarh to Sambalpur.
5. Considering such submissions as well as the decision of the Hon'ble Apex Court on this count, I am of the opinion that it would be the interest of justice if the C.S. (MAT) Case No.106 of 2021 is transferred to the Court of learned Judge, Family Court, Sambalpur from the Court of learned Civil Judge (Senior Division), Titilagarh.
6. It is needless to say that the records of the Civil Proceeding case shall be transferred from the Court of learned Civil Judge (Senior Division), Titilagarh within a period of two weeks from receipt of this order. Both the parties undertake to appear in the Court of learned Judge, Family Court, Sambalpur on 8.8.2022.
7. With the aforesaid observations and direction, the TRP (C) is disposed of.
8. Urgent certified copy of this order be granted as per rules.
9. A copy of this order be sent to the Court of learned Civil Judge (Senior Division), Titilagarh, for compliance.

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Savitri Ratho
Judge

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