

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) NO.99 OF 2022

Smrutirekha Priyadarshini

....

Petitioner

Mr.S.Mohapatra-2, Advocate

-versus-

Seshadeva Barik

....

Opposite Party

Mr.P. Mohanty, Advocate

CORAM:

MR. JUSTICE D.DASH

ORDER

01.11.2022

TRP(C) NO. 99 OF 2022

&

I.A. NO.111 OF 2022

Order No.

07.

1. This matter is taken up through hybrid arrangement (virtual/ physical) mode.
2. This application under section-24 of the Code of Civil Procedure has been filed by this Petitioner (wife) seeking transfer of Civil Proceeding No.29 of 2022 filed by the Opposite Party(husband), pending before the learned Judge, Family Court, Khurda to the Court of learned Judge, Family Court, Angul.
3. Learned Counsel for the Petitioner (wife) submits that the Petitioner having been willfully disserved by Opposite Party (husband) is residing with her parents at Angul and as she is having no source of income, she has initiated proceeding under section-125 of the Cr.P.C. claiming maintenance from the Opposite Party. He further under instruction submits that in the proceeding before the Court at Angul vide CRP No.36 of 2022, the mediation has failed. He, therefore, submits that when the Opposite Party has initiated the proceeding i.e. C.P. No.29 of 2022 in the Court of learned Judge, Family Court at Khurda, it would be extremely difficult on part of the Petitioner to run every time to Khurda to

defend the proceeding for divorce and that would be of great hardship to her and she also cannot travel the distance without the help of some one which is not so easily available when her parents also cannot accompany her as they have their own family to be looked after.

4. Learned Counsel for the Opposite Party submits that the Opposite Party being a permanent resident of Khurda is now staying there as he is no more in the job. He further submits that in the case of transfer of the divorce proceeding, which has been initiated by the Opposite Party from Khurda to Angul, the Opposite Party would be facing a lot of problem and he also apprehends danger to his life as the threat in that regard always stands. He, therefore, contends that in the best interest of the parties and in the interest of justice, the C.P. Case No.29 of 2022 which is pending in the Court of learned Judge, Family Court, Khurda be transferred to the Court situated at any mid place.

5. Considering the submissions made and on going through the averments taken in the Application, further taking into account the social strata of the parties and their behavioural pattern, standard of life and the circumstances of both the parties in eking out their livelihood; in the prevailing socio-economic paradigm in the society; this Court hereby orders that the Civil Proceeding No.29 of 2022 pending before the learned Judge, Family Court, Khurda shall stand transferred to the Jurisdictional Court at Angul. Accordingly, it is directed that the record of the said proceeding be transmitted to the Jurisdictional Court at Angul at an early date not later than 05.12.2022 for its disposal in accordance with law within a period of one (1) year from the date of appearance of the parties.

6. Learned Counsels are requested to instruct their respective parties to enter appearance before the Jurisdictional Court at Angul in the aforesaid Civil Proceeding on 12.12.2022 to receive further instruction and cooperate for its further progress and disposal within the time frame in accordance with law.

7. The TRP(C) and I.A. are accordingly disposed of. A copy of the order be communicated to both the Courts for the needful actions at their end.

Issue urgent certified copy as per rules.

Narayan



***(D. Dash),
Judge.***