

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.101 of 2022

Sonali Nayak @ Basanti Nayak Petitioner

-versus-

Pratap Digal Opposite Party

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
01.12.2022**

Order No

- 03.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Perused the office note and the tracking report, which shows that the notice issued to the Opp. Party by the Registry has been received on 06.07.2022. In view of that notice against the Opp. Party is treated as sufficient.
3. Heard Mr. J. Sahoo, learned counsel for the Petitioner.
4. This transfer petition has been filed seeking transfer of C.S. Case No. 19 of 2021 pending in the Court of learned Civil Judge (Sr. Division), Baliguda to the Court of learned Judge, Family Court at Bhubaneswar.
5. Learned counsel for the Petitioner submitted that the Petitioner after being deserted by her husband is residing with her parents at Bhubaneswar and in the meantime she has also filed a proceeding under Sec. 125 Cr.P.C. in Criminal Proceeding No. 211 of 2020 before the learned Judge, Family Court at Bhubaneswar.

6. It is also contended that the Opp. Party herein has already entered his appearance in the said proceeding and on receipt of the notice in the said Criminal Proceeding, the proceeding in C.S. Case No. 19 of 2021 was filed by him under Sec. 9 of the Hindu Marriage Act.

7. Considering the grounds taken in the transfer petition, the decisions governing the field and the fact that the Opp. Party is taking step in Criminal Proceeding No. 211 of 2020 before the learned Judge, Family Court at Bhubaneswar, I am inclined to allow the prayer as made in the transfer petition. Accordingly, this Court directs learned Civil Judge (Sr. Division), Baliguda to transfer C.S. Case No. 19 of 2021 to the Court of learned Judge, Family Court at Bhubaneswar forthwith on receipt of this order.

8. The transfer petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha

