

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.85 of 2020

Kanak Manjari Behera

.... ***Petitioner***
Mr.P.K.Ray, Advocate

Versus

Pankaj Kumar Behera

.... ***Opposite Party***

CORAM:
JUSTICE SAVITRI RATHO

ORDER
14.09.2022

Order No.
08.

(Through hybrid mode)

2. Heard Mr.P.K.Ray, learned counsel for the petitioner.
3. This application has been filed by the petitioner-wife under Section 24 of C.P.C. for transfer of Civil Proceeding No.157 of 2019 filed by the opposite party-husband under Section-13 (1) (ia) (ib) of the Hindu Marriage Act in the Court of learned Judge, Family Court, Dhenkanal, to the Court of learned Judge, Family Court, Bhubaneswar.
4. Mr.Ray, learned counsel for the petitioner submits that the marriage between the parties had been solemnized on 11.5.1993 and they were blessed with two sons, but on account of torture and ill-treatment by opposite party, the petitioner has been compelled to leave her matrimonial house and is staying in a rented house in Bhubaneswar alongwith her sons. She has not received notice on the aforesaid Civil Proceeding No.157 of 2019, but she came to learn about the case from the notice published in the newspaper. Thereafter,

she has appeared in the Court of the learned Judge, Family Court at Dhenkanal and obtained the certified copy of the petition. He further submits that although the opposite party is posted at Bhubaneswar and is residing in Bhubaneswar, he has filed two cases at Dhenkanal with the intention to harass the petitioner and that two cases filed by the petitioner are pending in the Courts at Bhubaneswar, - Criminal Proceeding No.101 of 2012 in the Court of the learned Judge, Family Court, Bhubaneswar under Section 125 Cr.P.C. and D.V. Misc. Case No.28 of 2014 in the Court of the learned J.M.F.C., Bhubaneswar. Since the opposite party has to contest these two cases at Bhubaneswar, he will not face any inconvenience if Civil Proceeding No.157 of 2019 is transferred to the Court of learned Judge, Family Court, Bhubaneswar.

5. Considering the above submissions and keeping in mind the settled position of law that convenience of the wife is normally given more weightage while deciding an application for transfer of a matrimonial case, the prayer for transfer of Civil Proceeding No.157 of 2019 is allowed.

6. The learned Judge, Family Court, Dhenkanal is requested to transmit the records of Civil Proceeding No.157 of 2019 (**Pankaj Kumar Behera vs. Kanak Manjari Behera**), to the Court of learned Judge, Family Court, Bhubaneswar by 30.09.2022. The petitioner undertakes to appear in the Court of the learned Judge, Family Court, Bhubaneswar on 17.10.2022. The learned Judge, Family Court, Bhubaneswar shall issue notice to the opposite party for his appearance in the Civil Proceeding No.157 of 2019. Both parties shall cooperate for early disposal of the case.

7. The TRP (C) is accordingly disposed of.
8. Registry is directed to send a copy of this order to the Court of learned Judge, Family Court, Dhenkanal for compliance.
9. Urgent certified copy of this order be granted as per rules.

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Savitri Ratho
Judge

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