

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 108 of 2022

Sujata Sahoo

.....

Petitioner

Mr. M.R. Mohapatra, Adv.

Vs.

Manas Ranjan Sahoo

.....

Opposite Party

Mr. M.K. Mishra, Adv.

CORAM:

JUSTICE SAVITRI RATHO

ORDER

26.08.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. This application under Section 24 of the C.P.C. has been filed by the petitioner-wife praying for transfer of MAT Case No.5 of 2022 filed by the opposite party-husband for dissolution of marriage, in the Court of the learned Civil Judge (Senior Division), Banki, to the Court of the learned Judge, Family Court, Nayagarh.

3. Mr. Mohapatra, learned counsel for the petitioner submits that marriage of the petitioner and opp. party has been solemnized on 26.01.2014 as per Hindu Rites and Customs. He further submits that as the petitioner has no source of income for which she has filed C.M.C. No. 175 of 2020 under Section 125 of Cr.P.C. praying for maintenance, which is pending in the Court of the learned Judge, Family Court, Nayagarh. The distance between Banki and Nayagarh is more than 60 kms.

and the opposite party having threatened her with dire consequences, if she comes to Banki, she is apprehensive to attend the case at Banki and will also face inconvenience if she has to go to Banki.

4. Mr. Mishra, learned counsel for the opp. party submits that as the opp. party has to go to court of the learned Judge , Family Court , Nayagarh in C.M.C. No. 175 of 2020, he is agreeable if MAT Case No.5 of 2022 is transferred from the Court of the learned Civil Judge (Senior Division), Banki , to the Court of the learned Judge, Family Court, Nayagarh, but submits that the inconvenience caused to him will be reduced if the learned Judge, Family Court posts the two cases on the same day and disposes of MAT Case No.5 of 2022 within a specified time limit .

5. Both learned counsels also submit that as there is a chance of conciliation , direction may be issued to the learned Judge , Family Court , Nayagarh. to refer the case for mediation

6. Considering the above submissions, the prayer for transfer of the MAT Case No.5 of 2022 pending in the Court of the learned Civil Judge (Senior Division), Banki, to the Court of the learned Judge, Family Court, Nayagarh is allowed. The learned

Civil Judge (Senior Division), Banki is directed to send the records of the case to the Court of the learned Judge, Family Court, Nayagarh by 16.09.2022. The parties undertake to appear in the Court of the learned Judge, Family Court, Nayagarh on 30.09.2022 and co-operate for early disposal of the case.

7. That after appearance of the parties , the learned Judge, Family Court, shall do well to first refer the matter for mediation .

8. The learned Judge, Family Court, Nayagarh shall try to post MAT Case No. 5 of 2022 and C.M.C. No. 175 of 2020 on the same date as far as possible in order to minimize the inconvenience caused to the opp. party and shall endeavour to dispose of the case expeditiously.

9. The TRP (C) is accordingly disposed of.

10. Issue urgent certified copy as per rules.

11. Registry is directed to send a copy of this order to the Court of learned Civil Judge (Senior Division), Banki forthwith.

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(SAVITRI RATHO)
JUDGE