

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.110 of 2022

1.Madhusmita Sahoo
2.Sriyansu Sekhar Sahoo

.... **Petitioners**
Mr.B.Baivab, Advocate

Versus

Sahas Bihari Sahoo

.... **Opposite Party**
Mr. P.K.Pati, Advocate

CORAM:
JUSTICE SAVITRI RATHO

ORDER
19.09.2022

Order No.

06.

(Through hybrid mode)

1. Office note indicates that notice has been served on the joint living brother Saroj Kumar Sahoo of opposite party since the opposite party is staying in his place of service at Jharsuguda.
2. Mr. Pramod Kumar Pati, learned counsel and associates have entered appearance on behalf of opposite party by filing Vakalatnama in Court today. The same be kept in the record.
3. On the consent of the counsels, the TRP (C) is taken up for final disposal.
4. This application has been filed by the petitioners under Section 24 of C.P.C. for transfer of MAT Case No.3 of 2022 filed by the opposite party-husband of petitioner No.1, under Section-13 (1) (i-a) of the Hindu Marriage Act, 1955 read with Section 7 of the Family Courts, Act 1984

in the Court of learned Civil Judge (Senior Division), Kamakhyanagar, to the Court of learned Judge, Family Court, Bhubaneswar.

5. Mr. Baivab, learned counsel for the petitioners submits that the marriage of the petitioner No.1 and the opposite party had been solemnized on 6.7.2014 and petitioner No.2 was born on 26.06.2016. After her marriage, the petitioner No.1 initially stayed in her in-laws house at Dhenkanal and then shifted to Jharsuguda with opposite party to his work place. On account of unfulfilled demand of dowry, the opposite party tortured the petitioner No.1, both mentally and physically. On 07.01.2021, the opposite party assaulted petitioner No.1 and kept both the petitioners under lock and key. They were rescued by local persons and admitted to hospital. On the written complaint before Jharsuguda Police Station, Jharsuguda P.S. Case No.17 dated 08.01.2021 has been registered against the opposite party and other in-laws for commission of offences under Sections 498-A, 323, 294, 307, 506 of I.P.C. and Section 4 of the Dowry Prohibition Act. Thereafter, the petitioners are staying in Bhubaneswar and petitioner No.2 is studying in Vivekananda Sikhya Kendra Old town, Bhubaneswar. As the petitioner No.1 has no independent source of income, she is fully dependent on her father who is a retired employee. She has filed CRP No.230 of 2021 under Section 125 Cr.P.C. in the Court of the learned Judge, Family Court, Bhubaneswar claiming maintenance from opposite party. The opposite party after receipt of notice in the Criminal Proceeding, in order to harass petitioner No.1, has instituted MAT case No.03 of 2022 in the Court of the learned Civil Judge (Senior Division), Kamakhyanagar. Apart from inconvenience which will be faced by the petitioner No.1 if she has to go to Kamakhyanagar to contest the case she is also

apprehending danger to her life, if she goes to Kamakhyanagar, which is at a distance about 130 K.Ms. from Bhubaneswar. The further submission of the learned counsel for the petitioners is that as CRP No.230 of 2021 is already pending in the Court of learned Judge, Family Court, Bhubaneswar, it would not be inconvenient for the opposite party if MAT Case No.03 of 2022 is also transferred to the Court of the learned Judge, Family Court, Bhubaneswar.

6. Mr. Pati, learned counsel for the opposite party submits that the allegations made against the opposite party are baseless and self serving. But in case the prayer of the petitioners is accepted and MAT Case No.3 of 2022 is transferred from the Court of learned Civil Judge (Senior Division), Kamakhyanagar, to the Court of the learned Judge, Family Court, Bhubaneswar, direction may be issued for early disposal of the case, so that minimum inconvenience is caused to the opposite party who has to travel from Kamakhyanagar to Bhubaneswar to contest the case.

7. Considering the above submissions especially the submission that CRP No.230 of 2021 filed by the petitioners is pending in the Court of the learned Family Judge, Bhubaneswar, the prayer of the petitioner to transfer of MAT Case No.03 of 2022 pending in the Court of learned Civil Judge (Senior Division), Kamakhyanagar, to the Court of learned Judge, Family Court, Bhubaneswar is allowed.

8. The learned Civil Judge (Senior Division), Kamakhyanagar is requested to transmit the records of MAT Case No.03 of 2022 (***Sahas Biharr Sahoo v. Madhumita Sahoo and another***), to the Court of learned Judge, Family Court, Bhubaneswar by 30.09.2022. Both the

parties undertake to appear in the Court of the learned Judge, Family Court, Bhubaneswar on 12.10.2022. The petitioner No.1 shall file her written statement within before the date fixed by the learned Judge, Family Court, Bhubaneswar for the said purpose. To mitigate the inconvenience that will be caused to the opposite party who has to come to Bhubaneswar to contest the divorce proceeding and the CRP, the learned Judge, Family Court, Bhubaneswar shall do well to post the proceeding for divorce on the same date, C.R.P. No.230 of 2021 is posted to. Both the parties shall cooperate for early disposal of the cases.

9. With the aforesaid observations and directions, the TRP (C) is allowed.

10. Registry is directed to send a copy of this order to the Court of learned Civil Judge (Senior Division), Kamakhyanagar for compliance.

11. Urgent certified copy of this order be granted as per rules.

.....
Savitri Ratho
Judge

Bichi