

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 125 of 2022

Gayatri Pattnayak

.....

Petitioner
Mr. B.P. Das, Adv.

Vs.

Rajesh Mohanty

.....

Opposite Party

CORAM:

JUSTICE SAVITRI RATHO

ORDER

12.10.2022

Order No.

07.

(Through hybrid mode)

1. Heard Mr. B.P. Das, learned counsel for the petitioner.
2. This application under Section 24 read with Section 151 of the C.P.C. has been filed by the petitioner-wife praying for transfer of MAT No.03 of 2022 filed by the opposite party-husband under Section 13(i)(i-a)(iii) of the Hindu Marriage Act, in the Court of the learned Civil Judge (Senior Division), Bissam Cuttack to the Court of the learned Judge, Family Court, Rayagada.
3. None appears for the opp. party when the matter is called. None had appeared for the opp. party when the matter was called on 07.09.2022 and 20.09.2022. On 07.09.2022 the registry had been directed to find out if any counsel had appeared on behalf of the opp. party. As per the computer verification report no counsel has appeared on behalf of the opp. party. Hence the TRP(C) is taken up for final disposal in the absence of the opp. party.
4. Mr. Das, learned counsel for the petitioner submits that marriage of the petitioner and opp. party has been solemnized on 23.04.2017 and the parties are living happily for one year and they have been blessed with a female child on 17.04.2019. Thereafter, on account of constant demand of dowry insisted by the opp. party she left the matrimonial house to bring more dowry articles and money from her parents. On account of this ill-treatment, the petitioner was compelled to move to

her parents' house at Kaltiguda in the district of Rayagada along with her three years old daughter and she has no independent source of income and dependent on her parents. The distance between Bissam Cuttack and Rayagada is about 70 kms., for which it will be difficult on her part to attend the case at Bissam Cuttack. He further submits that the learned Judge, Family Court, Rayagada has the jurisdiction to deal with the case, but the opp. party has filed the case in Bissam Cuttack only with the intention of harassing her.

5. Considering the settled position of law that the convenience of the wife is to be given more importance in a matrimonial case and keeping in mind the inconvenience which will be faced by the petitioner if she has to travel to Bissam Cuttack to attend the case, it would be expedient in the interest of justice to transfer MAT No.03 of 2022 pending in the Court of the learned Civil Judge (Senior Division), Bissam Cuttack to the Court of the learned Judge, Family Court, Rayagada. The prayer for transfer is therefore allowed.

6. The learned Civil Judge (Senior Division), Bissam Cuttack is requested to send the record of MAT No.03 of 2022 (**Rajesh Mohanty vs. Gayatri Pattnayak**) to the Court of learned Judge, Family Court, Rayagada by 28.10.2022. After receipt of the record, the learned Judge, Family Court, Rayagada is requested to issue notice to the parties for their appearance and to dispose of the case expeditiously.

7. The TRP (C) is accordingly allowed.

8. Issue urgent certified copy as per rules.

9. Registry is directed to send a copy of this order to the Court of the learned Civil Judge (Senior Division), Bissam Cuttack forthwith for compliance.