

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 127 of 2019

Supreeti Mahali

.....

Petitioner

Mr. S.S.K. Nayak, Advocate

Vs.

Aditya Behera

.....

Opposite party

Mr. B.C. Parija, Advocate

CORAM:

JUSTICE SAVITRI RATHO

ORDER

07.07.2022

Order No.

07.

This matter is taken up through hybrid mode.

2. Heard Mr. S.S.K. Nayak, learned counsel for the petitioner and Mr. B.C. Parija, learned counsel for the opp. party.

3. In this application, the petitioner-wife has prayed for transfer of Civil Proceeding No.80 of 2017 filed under Section 13 of the Hindu Marriage Act, by the opposite party-husband in the Court of the learned Judge, Family Court, Jagatsinghpur, to the Court of the learned Judge, Family Court, Jajpur.

4. Mr. Nayak, learned counsel for the petitioner submits that the marriage of the petitioner and opp. party has been solemnized on 11.03.2016 and on account of ill-treatment by the opp. party-husband and his family members, the petitioner was compelled to leave the matrimonial house on 08.06.2017 and since then she is staying with her parents in Jajpur. She has no source of income and totally dependent on her father. He further submits that there is no direct communication between Jagatsinghpur and Jajpur. So, the petitioner has to come to Cuttack first and to change buses in order to reach Jagatsinghpur, which would take at least four hours. It would therefore be highly inconvenient for her to come to Jagatsinghpur on each date to contest the case.

5. Mr. Parija, learned counsel for the opp. party-husband opposes the prayer for transfer submitting that the petitioner-wife has willfully deserted the opp. party- husband, for which he was compelled to file the proceeding for divorce on the ground of desertion and cruelty and he will put to inconvenience as all his witnesses belong to Jagatsinghpur and this application for transfer has been filed only to cause him inconvenience and delay disposal of the proceeding.

6. Considering the submissions of the two counsels, and keeping in mind the decisions of the Supreme Court that convenience of the wife should normally be the prime consideration in such cases, the prayer for transfer of Civil Proceeding No.80 of 2017 pending in the Court of the learned Judge, Family Court, Jagatsinghpur, to the Court of the learned Judge, Family Court, Jajpur is allowed.

7. The learned Judge, Family Court, Jagatsinghpur is requested to dispatch the case records to the Court of the learned Judge, Family Court, Jajpur by 25.07.2022 and both parties undertake to appear in the Court of the learned Judge, Family Court, Jajpur on 08.08.2022 and to co-operate for expeditious disposal of the aforesaid C.P. Case in the Court of the learned Judge, Family Court, Jajpur. The latter is requested to endeavour to dispose of the case within six months of receipt of the case records, in accordance with law.

8. The TRP(C) is accordingly allowed.

9. Issue urgent certified copy as per rules.