

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 111 of 2021

Labani Naik

.....

Petitioner
Ms. S.M. Dhal, Adv.

Vs.

Gobinda Naik

.....

Opposite Party

CORAM:

JUSTICE SAVITRI RATHO

ORDER

08.08.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. Heard Ms. S.M. Dhal, learned counsel for the petitioner.
3. This application under Section 24 of the C.P.C. has been filed by the petitioner-wife praying for transfer of MAT (C.S.) No.53 of 2021 filed by the opposite party-husband under Section 9 of the Hindu Marriage Act, in the Court of the learned Civil Judge (Senior Division), Talcher, Dist-Angul, to the Court of the learned Civil Judge (Senior Division), Kamakhyanagar, Dist-Dhenkanal.
4. Mr. Dhal, learned counsel for the petitioner-wife submits that after being driven out from the house of the opp. part, she is staying in her parent's house and the petitioner is a helpless lady who is completely dependent on her father who is a daily labourer and they find it difficult to make ends meet, for which it would be highly inconvenient for her to come to Talcher on each date to contest the case.
5. In view of the nature of the proceeding under Section-9 of the Hindu Marriage Act, and the delay in disposal of the case if it is directed to be transferred, I do not think it is necessary to

transfer the case from the Court of the learned Civil Judge (Senior Division), Talcher, District Angul to the Court of the learned Civil Judge (Senior Division), Kamakhyanagar, Dist-Dhenkanal. However, in view of the inconvenience which will be faced by the petitioner, if she is compelled to personally appear in the case on each date at Talcher, I am of the view that interest of justice will be served if the petitioner is permitted to file her response in MAT (C.S.) No.53 of 2021 (if not already filed) by way of an affidavit (alongwith an extra copy for the other side) and a copy of this order through her counsel or sent through Speed Post with A.D or Registered Post with A.D. addressed to the Registrar, Civil Courts, Talcher, Dist-Angul giving her contact number therein within a period of three weeks from today. In case she agrees to join the company of the opp. party, the learned Judge shall finally dispose of the MAT (C.S.) No.53 of 2021 by passing appropriate order within a period of four weeks thereafter. In the event the petitioner is not willing to join the opp. party, the learned Civil Judge (Senior Division), Talcher, District Angul shall first make effort for conciliation fixing a suitable date for appearance of both the parties giving enough notice to the petitioner. In the event, the conciliation process does not succeed or the parties do not cooperate, the learned Civil Judge (Senior Division), Talcher, District Angul shall conclude the proceeding as expeditiously as possible preferably within one or two dates from the date of failure of the conciliation, if any, without insisting on the appearance of the wife. In the event the petitioner expresses her intention to appear personally and also files an application for payment of travel

expenses, the learned Court will consider the same and direct the husband to deposit an appropriate amount which shall be released in favour of the petitioner-wife. In case of her non appearance, the amount will be refunded to the opp. party.

6. The TRP(C) is disposed of with the aforesaid directions.

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

8. A copy of this order be sent to the Court of the learned Civil Judge (Senior Division), Talcher, District Angul by the Registry, at the earliest.

Sukanta

.....
(SAVITRI RATHO)
JUDGE

