

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 132 of 2022

Puspamayee Sethi

.....

Petitioner

Mr. P.K. Mohanty, Adv.

Vs.

Sashikanta Sethi

.....

Opposite Party

CORAM:

JUSTICE SAVITRI RATHO

ORDER

12.10.2022

Order No.

05.

(Through hybrid mode)

1. Heard Mr. P.K. Mohanty, learned counsel for the petitioner.
2. This application under Section 24 of the C.P.C. has been filed by the petitioner-wife praying for transfer of GMC No.44 of 2021 filed by the opposite party-husband under Section 7 read with Section 10 of the Guardian and Wards Act, 1890 in the Court of the learned Judge, Family Court, Rourkela to the Court of the learned Judge, Family Court, Bhubaneswar.
3. Though office note indicates that service of notice on the opp. party is complete, but none had appeared on behalf of the opp. party on 07.09.2022 for which the matter was adjourned to 19.09.2022 and 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. On 20.09.2022 none had appeared for the opp. party for which the matter was adjourned to today. Today also when the matter is called, none appears for the opp. party, for which the TRP(C) is taken up for final disposal in the absence of the opp. party.
4. Mr. Mohanty, learned counsel for the petitioner submits that

marriage of the petitioner and opp. party has been solemnized on 15.02.2009 and they have been blessed with a daughter on 01.10.2013. He further submits that the opp. party is working as Asst. Manager in WESCO at Sonapur and after six months of marriage, dispute arose between the parties and since October 2018 the petitioner has been deserted by the opp. party and since then, she is staying in her parental house at Bhubaneswar. Though an attempt had been made for resolution of the disputes and a meeting was conveyed on 04.08.2019 at Bhubaneswar, but due to lack of cooperation by the opp. party, no settlement could be arrived at and the opp. party has been threatening to take away the life of the petitioner. He further submits that the petitioner is living in Bhubaneswar with the minor daughter who is attending school in Bhubaneswar. As the distance between Rourkela and Bhubaneswar is about 240 kms. and there is threat to her life if she goes to Rourkela, it would be convenient for her if the case is transferred from Rourkela to Bhubaneswar. He further submits that as the minor daughter is residing with her in Bhubaneswar, the case should have been filed in Bhubaneswar and not in Rourkela. Drawing my attention to the copy of the petition in C.P. No. 337 of 2022 which has been filed with a memo, he submits that the petitioner has filed an application under Section 13 of the Hindu Marriage Act in the Court of the learned Judge, Family Court, Bhubaneswar where the opp. party has already appeared therefore it will not be inconvenient for him if the case is transferred to Bhubaneswar.

5. Considering the fact that the minor child is residing in Bhubaneswar and the inconvenience which will be faced by the

petitioner if she has to travel to Rourkela with the child to attend the case, I feel that it would be expedient in the interest of justice to transfer GMC No.44 of 2021 pending in the Court of the learned Judge, Family Court, Rourkela to the Court of the learned Judge, Family Court, Bhubaneswar. The prayer for transfer is therefore allowed.

6. The learned Judge, Family Court, Rourkela is requested to send the record of GMC No.44 of 2021 (**Sashikant Sethi vs. Puspamyee Sethi**) to the Court of learned Judge, Family Court, Bhubaneswar-II by 28.10.2022. The petitioner undertakes to appear before the learned Judge, Family Court, Bhubaneswar-II on 04.11.2022. Notice shall be issued to the opp. party for his appearance. In order to mitigate the inconvenience which is likely to be faced by the opposite party, the learned Judge, Family Court, Bhubaneswar-II shall do well to post the two cases on the same date if there is no other impediment and to dispose of the proceedings 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 Judge, Family Court, Rourkela forthwith for compliance.

Sukanta

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(SAVITRI RATHO)
JUDGE