

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.133 of 2022

Seema Senapati

.... ***Petitioner***
Mr.R.N.Behera, Advocate

Versus

1.Tapasranjan Mahakud
2.Nirmal Barik

.... ***Opp. Parties***

CORAM:
JUSTICE SAVITRI RATHO

ORDER
22.06.2022

Order No.

01.

This matter is taken up by hybrid mode.

2. Heard Mr. R.N.Behera, learned counsel for the petitioner.

3. This petition has been filed by the petitioner-wife for transfer of MAT Case (Suit) No.167 of 2021 filed by opp party No. 1 –husband pending in the Court of the learned Civil Judge (Senior Division), Karanjia, Mayurbhanj to the Court of learned Judge, Family Court, Keonjhar.

4. Mr.Behera, learned counsel for the petitioner submits that the petitioner-wife has filed C.P. No.49 of 2020 against the opp.party No.1-husband under Section 13 of the Hindu Marriage Act in the Court of the learned Judge, Family Court, Keonjhar for divorce and after receiving notice in the said case, the opp. party No.1 - husband has appeared in the said case. He further submits that before filing of the proceeding for divorce, the wife has lodged F.I.R. leading to registration of Keonjhar Town P.S. Case No.265 of 2019 dated 29.09.2019 against the husband and other in-laws for commission of offences under Sections 498-A/323/294/506/34 of I.P.C and the corresponding G.R .Case is pending for trial at Keonjhar.

5. Learned counsel for the petitioner further submits that petitioner is working as a Sanskrit Teacher at Tarini Bidyapitha, Ghatagaon which is a management post and she is getting a consolidated paltry amount as salary which is not sufficient to maintain her livelihood. She is therefore residing in her

father's house at Badabahal under Keonjhar Town P.S., District of Keonjhar. It would therefore be difficult on her part to obtain leave and attend the Court at Karanjia which is at a distance of 60 K.Ms from Keonjhar, but the opp party No. 1 - husband who is working as Geologist at Essel Mining, Jurudi in the district of Keonjhar would not face any difficulty if the case is transferred from Karanjia to Keonjhar.

6. I find force in the submission that as the opp.party-husband is posted at Jurudi and has already appeared in C.P. No.49 of 2020 in the Court of learned Judge, Family Court, Keonjhar, so it will not be inconvenient if MAT Case (Suit) No.167 of 2021 filed by him in the Court of the learned Civil Judge (Senior Division), Karanjia is transferred to the Court of learned Judge, Family Court, Keonjhar. In fact it will be convenient to the petitioner and the Opp. party No.1 if the cases are heard at Keonjhar.

7. Therefore considering the above submissions, I do not think it necessary to issue notice to the opp. parties and allow this application for transfer of MAT Case (Suit) No.167 of 2021 filed by opp party No. 1-husband in the Court of the learned Civil Judge (Senior Division), Karanjia, Mayurbhanj to the Court of the learned Judge, Family Court, Keonjhar.

8. The petitioner shall file requisites by 30.06.2022 for communication of this order to the opp party No.1 – husband by speed post with A.D and in case on non availability of speed post service to his place of residence, by registered post with A.D . The Registry is directed to communicate/transmit a copy of this order to the Court of the learned Civil Judge (Senior Division), Karanjia, Mayurbhanj who shall dispatch the case records to the Court of the learned Judge, Family Court, Keonjhar within two weeks of receipt of the order. The petitioner-wife will co-operate for expeditious disposal of the aforesaid C.P. Case and M.A.T. case in the Court of the learned Judge, Family Court, Keonjhar and the latter is requested to endeavour to dispose of the case within nine months of receipt of the case records, in accordance with law. The learned

Judge, Family Court, Keonjhar shall issue notice to the opp. party No.1 – husband in case he does not appear in the case, suo motu.

9. As the case is being disposed of on the basis of averments made in the TRP (C) and relying on the submissions made on behalf of the petitioner, liberty is granted to opp party No.1–husband to approach this Court for modification / variation of this order in case of any extreme hardship or if there has been any incorrect submission or suppression of any relevant fact by the petitioner.

10. The TRP (C) is allowed, with the aforesaid directions.

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

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