

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.138 of 2021

Pradeep Kumar Das.

....

Petitioner

-versus-

Deeptimayee Das @ Puthal.

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER

12.04.2022

Order No.

06.

1. This matter is taken up through Hybrid mode.
2. This petition has been filed by the petitioner-husband to transfer C.P. No.310 of 2020 instituted under Section 9 of the Hindu Marriage Act at the instance of the opposite party-wife, from the court of the learned Judge, Family Court, Balasore to the court of the learned Judge, Family Court, Bhubaneswar on the ground of personal inconvenience.
3. Heard the learned counsel for the parties.
4. It is the submission of the learned counsel for the petitioner-husband that since the opposite party-wife is staying at Puri, no prejudice is caused to her if the aforesaid case is transferred to the Court of the learned Judge, Family Court,

Bhubaneswar and, as such, the aforesaid case may be transferred to the court of the learned Judge, Family Court, Bhubaneswar for convenience of both parties.

5. On the other hand, learned counsel appearing for the opposite party-wife though does not dispute the aforesaid submission of the learned counsel for the petitioner with regard to stay of the opposite party-wife at Puri as she is serving there, but submits that since C.P. No.495 of 2020 instituted under Section 13 of the Hindu Marriage Act for a decree of divorce at the instance of the present petitioner, has already been transferred to the Court of the learned Judge, Family Court, Bhadrak pursuant to the direction of this Court vide order dated 17.02.2021 passed in TRP(C) No.210 of 2020, the aforesaid C.P. may be transferred to the said Court.

6. Considering the aforesaid facts and submission made, this Court directs that C.P. No.310 of 2020 pending on the file of the learned Judge, Family Court, Balasore be transferred to the Court of the learned Judge, Family Court, Bhadrak. Both the Courts shall do the needful on production of the certified copy of this order.

7. However, it is stated by the learned counsel for the petitioner that the opposite party-wife is not cooperating with the disposal of the proceeding. If that be so, the Court is not bereft of jurisdiction to proceed against the opposite party-wife for her non-appearance / non-cooperation in accordance with

law. But, the learned Judge, Family Court, Bhadrak on receipt of the case record shall make all efforts to dispose of the case as expeditiously as possible preferably within a period of four months of receipt of this order.

8. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

MRS

