

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 143 of 2022

Rexona Rath

.....

Petitioner
Mr. T.K. Mishra, Adv.

Vs.

Jitendra Tripathy

.....

Opposite Party

CORAM:
JUSTICE SAVITRI RATHO

ORDER
29.09.2022

Order No.
04.

(Through hybrid mode)

1. Heard Mr. T.K. Mishra, learned counsel for the petitioner.
2. Notice had been issued to the opp. party vide order dated 22.06.2022 and is deemed to be sufficient as it has returned unserved with the postal endorsement “refused”.
3. On 15.09.2022 none had appeared for the opp. party when the matter was called. However, in order to give a chance to the opp. party to appear in the case, the matter was adjourned to today i.e. 29.09.2022. Today also none appears for the opp. party when the matter is called. Hence the TRP(C) is taken up for final disposal in the absence of the opp. party.
4. This application under Section 24 of the C.P.C. has been filed by the petitioner-wife praying for transfer of C.P. No.50 of 2021 filed by the opposite party-husband under Section 13(i-a) of the Hindu Marriage Act, in the Court of the learned Judge, Family Court, Khordha, to the Court of the learned Judge, Family Court, Jeypore.
5. Mr. Mishra, learned counsel for the petitioner submits

that the petitioner was working as a Yoga Teacher under the CDMO Office, Koraput and she is staying in Jeypore with her father who is a widower and ailing and therefore dependent on the petitioner. The distance between Jeypore and Khordha is about 500 kms., she would therefore face lot of inconvenience if she has to travel to Khordha to defend the case.

6. Considering the settled position of law that the convenience of the wife is to be given more importance in a matrimonial case and keeping in mind the inconvenience which will be faced by the petitioner if she has to travel to Khordha to attend the case, it would be expedient in the interest of justice to transfer C.P. No.50 of 2021 pending in the Court of the learned Judge, Family Court, Khordha, to the Court of the learned Judge, Family Court, Jeypore. The prayer for transfer is therefore allowed.

7. The learned Family Court, Khordha is requested to send the record of C.P. No.50 of 2021 (**Jitendra Tripathy vs. Rexona Rath**) to the Court of learned Judge, Family Court, Jeypore by 18.10.2022. The learned Judge, Family Court, Jeypore is requested to issue notice to the parties for their appearance and to dispose of the case expeditiously.

8. The TRP (C) is accordingly allowed.

9. Issue urgent certified copy as per rules.

10. Registry is directed to send a copy of this order to the Court of the learned Judge, Family Court, Khordha forthwith for compliance.

Sukanta

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(SAVITRI RATHO)
JUDGE