

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.146 of 2022

Chinmayee Sahoo

....

Petitioner

Mr. Sanjib Kumar Das, Advocate

Versus

Chandan Prasad Nanda

....

Opp. Party

Ms. Ruchi Rajgarhia, Advocate

CORAM:
JUSTICE SAVITRI RATHO

ORDER
16.08.2022

Order No.

03.

This matter is taken up by hybrid mode.

2. This application under Section 24 of C.P.C. has been filed by the petitioner-wife for transfer of C.P. Case No.103 of 2022 filed by the opp. party-husband under Section- 13 (1) (i) and (i-a) of the Hindu Marriage Act, 1955 in the Court of learned Judge, Family Court, Jajpur, to the Court of learned Judge, Family Court, Jagatsinghpur.

3. Mr. Sanjib Kumar Das, learned counsel for the petitioner has filed an affidavit sworn to by Sri Deba Prasad Nanda, father of the opp. party and father-in-law of the petitioner along with a copy of his Aadhar Card, wherein it has been stated that the petitioner is staying with him and his wife at Jagatsinghpur with her three year old son and looking after him and his wife. On account of his old age, he is unable to support the petitioner and her son properly for which it is not possible for her to go to Jajpur. Copy of the affidavit has been served on learned counsel for opp. party.

4. Learned counsel for the petitioner submits that the marriage of petitioner and opp. party had been solemnized on 3.6.2017 and

after the said marriage, the petitioner is residing with her in-laws at Jagatsinghpur. The parties have been blessed with a son, who is aged about 3 years now and he is living with the petitioner and her in-laws at Jagatsinghpur and the opp. party stayed with them till November, 2021. He further submits that the distance between Jajpur and Jagatsinghpur is about 100 K.Ms and as the opp. party is not paying her any maintenance, her father-in-law is old and she has a three year old son to look after, it is highly inconvenient for her to attend the Court at Jajpur to contest the case.

5. Ms. Ruchi Rajgarhia, learned counsel for the opp. party opposes the prayer for transfer of the case to Jagatsinghpur stating that due to harassment and ill-treatment by the petitioner, the opp. party was compelled to leave his own house and come to Cuttack in search of a job and he is residing in his friend's house at Jajpur for which he filed the case in Jajpur. False allegations have been made against him regarding misutilisation of money for drinking and maintaining a luxurious life style. She further submits that there is threat to his life if the case is transferred to Jagatsinghpur as on earlier occasion, he had been confined in a room at the instance of the petitioner and his parents when he had gone to Jagatsinghpur.

6. Considering the rival submissions and the settled position of law that the convenience of the wife is of paramount consideration in a matrimonial case and in the present case, the petitioner is living with her young son with her parents in law in Jagatsinghpur, which is about 100 K.M from Jajpur, I deem it expedient in the interest of justice to transfer C.P. No.103 of 2022 from the Court of learned Judge, Family Court, Jajpur to the Court of learned Judge, Family Court, Jagatsinghpur.

7. The learned Judge, Family Court, Jajpur is directed to transfer the records of C.P. Case No.103 of 2022 to the Court of the learned Judge, Family Court, Jagatsinghpur by 06.09.2022. Both the parties are directed to appear in the Court of learned Judge, Family Court, Jagatsinghpur on 20.09.2022 and cooperate for early disposal of the case.

8. Liberty is granted to the opp. party to approach the local police for protection in case he apprehends any threat to his life when he comes to the Court of learned Judge, Family Court, Jagatsinghpur. It is also open to the opp. party to file an application before the learned Judge, Family Court, Jagatsinghpur in case he wants to adduce evidence or cross-examine any witness through video conferencing which will be considered in accordance with law.

9. The TRP (C) is accordingly disposed of.

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

11. Registry shall send a copy of this order to the Court of the learned Judge, Family Court, Jajpur forthwith.

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Savitri Ratho
Judge

Bichi