

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.162 of 2022

Gayatri Panda

....

Petitioner

-versus-

Sujit Kumar Pati

....

Opposite Party

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

09.12.2022

Order No

03.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. S.P. Mohanty, learned counsel for the Petitioner and Mr. Pranay Swain, learned counsel appearing for the Opp. Party.

3. This transfer petition has been filed seeking transfer of C.P. No. 33 of 2022 pending in the file of the learned Judge, Family Court Jharsuguda to the Court of learned Judge, Family Court, Berhampur, Ganjam.

4. Mr. Mohanty, learned counsel for the Petitioner contended that the Petitioner-wife has already filed a proceeding U/s. 125 Cr.P.C. before the learned Judge, Family Court, Berhampur in Criminal Proceeding No. 73 of 2022. But in the meantime the Opp. Party-husband has filed the petition for divorce in the Court of learned Judge, Family Court at Jharsuguda. It is contended that in view of the distance involved and the Petitioner being a lady, she cannot appear and take part in the proceeding at Jharsuguda.

5. Mr. Swain, learned counsel for the Opp. Party on the other hand submitted that though the Opp. Party has no objection for transfer of the matter to the Court of learned Judge, Family Court, Berhampur, but the Opp. Party be permitted to appear through Video Conferencing Mode as and when required as he is serving at Bengaluru.

6. Considering the submissions made and the grounds taken in the transfer petition as well as the decisions governing the field, this Court is inclined to allow the prayer as made in the transfer petition. Accordingly, this Court directs learned Judge, Family Court Jharsuguda to transfer C.P. No. 33 of 2022 to the Court of learned Judge, Family Court, Berhampur forthwith on receipt of this order.

7. However, it is observed that on such transfer of the matter the Petitioner-wife shall file her written statement within a period of two (2) months from the date of transfer of the matter and she will not seek for unnecessary adjournment and co-operate for early disposal of the matter. Learned Judge, Family Court, Berhampur shall also permit the Opp. Party to appear through Video Conferencing as and when requested, subject to convenience of the learned Court and if it is permissible on the particular date.

8. The transfer petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha