

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.167 of 2022

<i>Kamalini Meher</i>		<i>Petitioner</i> <i>Mr. Md. Riaz, Advocate</i>
	<i>Versus</i>	
<i>Niranjan Meher</i>		<i>Opp. Party</i>

CORAM:
JUSTICE SAVITRI RATHO

ORDER
28.07.2022

Order No.

02. This matter is taken up by hybrid mode.

2. This application has been filed by the petitioner-wife under Section 24 of C.P.C. for transfer of MAT No. 18 of 2022 filed by the opp. party-husband under Section-9 of the Hindu Marriage Act, 1955 pending in the Court of learned Civil Judge, Senior Division, Sundargarh, to the Court of learned Judge, Family Court, Bargarh.

3. Mr. Riaz, learned counsel for the petitioner submits that the marriage between the parties had been solemnized on 12.07.2021 as per Hindu rites and customs. The petitioner was subjected to torture and assaulted by the opposite party and his family members on account of further demand of dowry for which she moved to Bargarh and is staying with her parents. She has also filed a D.V. Misc. Case under Section 12 of the Domestic Violence Act in the court of learned S.D.J.M., Bargarh. He further submits that the distance between the Bargarh and Sundargarh is about 150 km. and the petitioner is in advance stage of pregnancy for which she cannot go to Sundargarh either during pregnancy or after birth of her child. He further submits that the case was posted to 18.05.2022, but the petitioner could not appear in the said case.

4. In view of the nature of proceedings under Section 9 of the Hindu Marriage Act and the delay in disposal of the case if it is directed to be

transferred. However, in view of the inconvenience which will be faced by the petitioner, if she is compelled to personally appear in the case at Sundargarh on each date, I am of the view that interest of justice will be served if the petitioner is permitted to file her response in MAT No. 18 of 2022 by way of an affidavit through her counsel or sent through Speed Post with A.D or Registered Post with A.D. addressed to the Registrar of the District Court, Sundargarh giving her contact number therein, within a period of three weeks from today. In case she agrees to join the company of the opp party, the learned Civil Judge, Senior Division Court shall finally dispose of the MAT No. 18 of 2022 by passing appropriate order within a period of four weeks thereafter. In the event the petitioner is not willing to join the opp party, the learned Civil Judge, Senior Division, Sundargarh shall first make effort for conciliation fixing a suitable date for appearance of both the parties giving sufficient notice to the petitioner, keeping in mind her health condition. In the event the conciliation process does not succeed or the parties do not cooperate, the learned Civil Judge, Senior Division, Sundargarh shall conclude the proceeding as within one or two dates from the date of failure of the conciliation, if any, without insisting on the appearance of the wife. In the event the petitioner expresses her intention to appear personally, she shall be granted sufficient time to appear in the case. If any expenses are claimed by the petitioner-wife for her travel and stay at Sundargarh with a companion, the learned Civil Judge, Senior Division, Sundargarh shall consider the prayer and direct the opp. party-husband to deposit a suitable amount which will be released in favour of the petitioner if she appears in the Court.

5. The TRP (C) is disposed of with the aforesaid directions.
6. Urgent certified copy of this order be granted as per rules.

7. A copy of this order be sent to the Court of the learned Civil Judge, Senior Division, Sundargarh by the Registry, at the earliest.

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Savitri Ratho
Judge

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