

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP (C) NO.181 OF 2022

Shailaja Mishra

.... ***Petitioner***
Mr.A.Mishra, Advocate

-versus-

Priyabrata Dash

.... ***Opposite Party***

CORAM:
MR. JUSTICE D.DASH

ORDER
31.10.2022

Order No.

07.

1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. The petitioner by filing this application under section 24 of the Code of Civil Procedure has sought for transfer of the C.P. Case No.09 of 2022 pending in the court of learned the Judge, Family Court, Boudh to the Court of learned the Judge, Family Court, Bhubaneswar.
3. Learned counsel for the petitioner submits that the petitioner since is now residing at Bhubaneswar, it would be of extreme hardship on her part to attend and properly defend in the proceeding of divorce which was initiated by the Opposite Party (Husband) in the court at Boudh which is at a far off place.
4. He further submits that the petitioner (wife) who is aged about 30 years cannot alone run to the court at Boudh in defending the proceeding and every time it is also not possible to get the help of someone close to her when her parents are also not in a position to accompany her living their own family and affairs.

None appears on behalf of the opposite party despite due service of notice and opportunities.

5. Considering the submissions made and on going through the averments taken in the application as well as the petition filed by the opposite party under section 13 of the Hindu Marriage Act giving rise to C.P. Case No.09 of 2022 in the court of the Judge, Family Court, Boudh; taking into account the social strata of the parties and their behavioural pattern, standard of life and the circumstances of both the parties in eking out their livelihood as also their convenience; in the prevailing socio-economic paradigm in the society; this Court hereby orders that C.P. Case No.09 of 2022 pending in the court of learned the Judge, Family Court, Boudh shall stand transferred to the jurisdictional court at Khurda. The record of the said proceeding be transmitted to the Jurisdictional Court at Khurda at an early date not later than 03.12.2022.

6. Learned counsel for the petitioner is requested to instruct her client to appear on 12.12.2022 before the transferee court to receive further instruction and cooperate for progress of the proceeding in accordance with law.

It is further ordered that learned the Judge, Family Court, Khurda would do well to take all such effective steps as provided in law for early conclusion of the proceeding preferably within a period of one year from the date of appearance of the parties.

7. The TRP (C) and I.A are accordingly disposed of. A copy of this order be communicated to both the Courts.

**(D. Dash),
Judge.**

Gitanjali

