

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.177 of 2019

Asima Tripathy

....

Petitioner

-versus-

Susil Kumar Dash

....

Opposite Party

CORAM: JUSTICE S. PUJAHARI

ORDER

23.02.2022

Order

No.

04.

1. This matter is taken up through hybrid mode.
2. This petition has been filed by the Petitioner-wife for transfer of MAT Case No.40 of 2019 instituted at the instance of Opposite Party-husband from the file of the learned Civil Judge (Senior Division), Anandapur to the Court of Judge, Family Court, Bhubaneswar.
3. Heard the learned counsel for the Petitioner. No one appears on behalf of the Opposite Party when the matter is called.
4. It is stated that Petitioner-wife has instituted a proceeding under Section 125 of the Cr.P.C. against the Opposite Party-husband, registered as Cr.P. No.73 of 2019,

which is pending before the Court of Judge, Family Court, Bhubaneswar and the Opposite Party-husband instituted a proceeding under Section 9 of the Hindu Marriage Act praying therein for a decree of restitution of conjugal rights, registered as MAT No.40 of 2019, which is pending before the Court of Civil Judge (Senior Division), Anandapur.

5. The Petitioner seeks transfer of the aforesaid MAT case to the Court of Judge, Family Court, Bhubaneswar, as another case filed by her is pending in the Court of Judge, Family Court, Bhubaneswar and she stated to have a kid and inconvenience for travelling is there.

6. Since both the cases arises out of marital dispute, this Court directs that MAT Case No.40 of 2019 pending on the file of the learned Civil Judge (Senior Division), Anandapur be transferred to the Court of Judge, Family Court, Bhubaneswar. Both the Courts shall do the needful on production of the certified copy of this order. Learned Judge, Family Court, Bhubaneswar after transfer of the aforesaid MAT case shall dispose of both the cases, i.e., MAT Case No.40 of 2019 and

Cr.P. No.73 of 2019 as expeditiously as possible, since it is a matrimonial matter.

7. With the aforesaid order, this transfer petition stands disposed of.

8. Urgent certified copy of this order be granted on proper application.

DA



(S. Pujahari)
Judge