

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.202 of 2019

Bijayalaxmi Rana

....

Petitioner

-versus-

Saroj Ku. Nayak

....

Opposite Party

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

17.11.2022

Order No

03.

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

2. Heard Mr. Prafulla Kumar Kar, learned counsel appearing for the Opp. Party and none appeared for the Petitioner when the matter was called.

3. This transfer Petition has been filed seeking transfer of C.P. No. 541 of 2019 filed by the Opp. Party under Section 9 of the Hindu Marriage Act before the learned Judge, Family Court at Jagatsinghpur.

4. Taking the ground of inconvenience on the part of the Petitioner in appearing at Jagatsinghpur, the present transfer Petition was filed and this Court while issuing notice of the matter on 25.07.2019 stayed the further proceeding of C.P. No. 541 of 2019.

5. Mr. Kar, learned counsel appearing for the Opp. Party on the other hand submitted that subsequent to filing of the transfer Petition, the Petitioner herein has filed an application under Section 125 of the Criminal Procedure Code in CRP Case No. 34 of 2020 in

the very same Court of learned Family Judge at Jagatsinghpur and she is appearing regularly before the said Court and taking steps.

6. The documents showing filing of the said Petition before the learned Judge, Family Court, Jagasinghpur in CRP No. 34 of 2020 filed by Mr. Kar, learned counsel for the Opp. Party be kept on record.

7. In view of the fact that the Petitioner is prosecuting another matter in CRP Case No. 34 of 2020 in the Court of learned Judge, Family Court at Jagatsinghpur, the prayer made in the present transfer Petition is completely misconceived and accordingly not entertainable.

8. The transfer Petition is accordingly dismissed. Interim order passed on 25.07.2019 stands vacated.

Sneha

(Biraja Prasanna Satapathy)
Judge

