

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.199 of 2022

Tatini Nayak

..... ***Petitioner***
Mr.S.K.Das, Advocate on behalf of
Mr. S.K.Dwibedi, Advocate

Versus

Jyotiranjana Behera

..... ***Opp. Party***

CORAM:
JUSTICE SAVITRI RATHO

ORDER
24.06.2022

Order No.

01. This matter is taken up by hybrid mode.
2. Learned counsel for the petitioner is permitted to remove the defect as pointed out by the S.R. with regard to improper page marking after page No.11 in Court today.
3. Heard Mr. S.K.Das, learned counsel on behalf of Mr. S.K.Dwibedi, learned counsel for the petitioner.
4. This petition has been filed by the petitioner-wife for transfer of C.P. No.17 of 2022 filed under Section 13 (1) (i-a) of Hindu Marriage Act for decree of divorce from the Court of the learned Judge, Family Court, Nabarangpur to the Court of learned Judge, Family Court, Kandhamal.
5. Learned counsel for the petitioner submits that the petitioner has a young daughter aged about 2 years and as she has no independent source of income, she is staying at Kandhamal with her parents and is dependent on them. There is also no male member in her family to accompany her to Nabarangpur to attend the Court proceeding, as her father is very old. It is not possible on her part to travel to Nabarangpur alone which is at a distance of about 350 kms. from Kandhamal. He further submits that the opposite party-husband is working as a Data Entry Operator in Kosagumuda Block and has a sound income but is not paying the

petitioner any maintenance. Although the opp. party is a permanent resident of Kandhamal, he has filed the aforesaid C.P. case in the Court of learned Judge, Family Court, Nabarangpur in order to harass the petitioner. On the FIR of the petitioner, Tikabali P.S. case No 29 of 2022 has been registered for commission of offences under Sections – 498- A/294/323/34 I.P.C read with Section – 4 of the D.P. Act against the opp party – husband and his family members and the GR case is pending in Kandhamal.

6. In view of the aforesaid submissions made on behalf of the petitioner especially the submissions regarding the distance between the two places and that it will not be inconvenient for the opp party - husband if C.P.No. 17 of 2022 pending in the Court of the Learned Judge, Family Court, Nabarangpur is transferred to the Court of the learned Judge, Family Court, Kandhamal, I do not think it necessary to issue notice to the opp. party – husband and allow the prayer for transfer.

7. The petitioner shall file requisites by 30.06.2022 for communication of this order to the opp party - husband by speed post with A.D. and in case on non availability of speed post service to his place of residence, by registered post with A.D. The Registry is directed to communicate/transmit a copy of this order to the Court of the learned Judge, Family Court, Nabarangpur who shall dispatch the case records to the Court of the learned Judge Family Court, Kandhamal within two weeks of receipt of this order. The petitioner-wife shall co-operate for expeditious disposal of the aforesaid C.P. Case in the Court of the learned Judge, Family Court, Kandhamal and the latter is requested to endeavour to dispose of the case within nine months of receipt of the case records, in accordance with law and to issue notice to the opp. party No.1 – husband in case he does not appear in the case, suo motu.

8. As the case is being disposed of on the basis of averments made in the TRP (C) and relying on the submissions made on behalf of the

petitioner, liberty is granted to opp party –husband to approach this Court for modification / variation of this order in case of any extreme hardship or if there has been any incorrect submission or suppression of any relevant fact by the petitioner.

9. The TRP (C) is allowed, with the aforesaid directions.
10. Urgent certified copy of this order be granted as per rules.

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Savitri Ratho
Judge

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