

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 201 of 2022

Gayatri Rout @ Jena

.....

Petitioner

Ms. P.S. Mohanty, Adv.

Vs.

Laxmi Narayan Rout

.....

Opposite party

CORAM:

JUSTICE SAVITRI RATHO

ORDER

29.06.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Ms. P.S. Mohanty, learned counsel for the petitioner.

3. In this application, the petitioner-wife has prayed for transfer of Civil Proceeding No.501 of 2021 filed under Section 13 of the Hindu Marriage Act, by the opposite party-husband from the Court of the learned Judge, Family Court, Balasore to the Court of the learned Judge, Family Court, Baripada.

4. Ms. Mohanty, learned counsel for the petitioner submits that the marriage between the parties has been solemnized on 10.06.2015 at village Kainsali in the district of Mayurbhanj and the petitioner along with her minor daughter is now residing with her parents in village Kainsali, for which it is difficult for her to travel to Balasore on each date the case is posted in order to contest the case. He further submits that the petitioner has no independent source of income. He further submits that she has filed CRP No.74 of 2022 in the Court of the learned Judge, Family Court, Baripada in which the opp.

party has already entered appearance. He further submits that C.T. Case No.445 of 2018 arising out of I.C.C. Case No.8 of 2018 for commission of offence under Section 498-A of the IPC and other offences is pending before the learned J.M.F.C., Betnoti and in the said summons have been issued to the opp. party –husband who has already entered appearance in the case. So, it would not be inconvenient for the opp. party-husband, if the present case i.e. C.P. pending in the Court of the learned Judge, Family Court, Balasore is transferred to the Court of the learned Judge, Family Court, Baripada.

5. In view of the aforesaid submissions made on behalf of the petitioner that she a minor daughter to look after, the distance between the two places and that it will not be inconvenient for the opp. party - husband if C.P. No.501 of 2021 pending in the Court of the learned Judge, Family Court, Balasore is transferred to the Court of the learned Judge, Family Court, Baripada, as two other cases are pending in Baripada, I do not think it necessary to issue notice to the opp. party – husband before allowing the prayer for transfer.

6. The petitioner shall file requisites by 07.07.2022 for communication of this order to the opp. party– husband by speed post with A.D. and in case of 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, Balasore who shall dispatch the case records to the Court of the learned Judge, Family Court, Baripada within two weeks thereafter. The petitioner-wife shall co-operate for expeditious

disposal of the aforesaid C.P. Case in the Court of the learned Judge, Family Court, Baripada and the latter is requested to endeavour to dispose of the case within six 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.

7. 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 the opp. party—husband to approach this Court for modification / variation of this order in case of utmost hardship or if there has been any incorrect submission or suppression of any relevant fact by the petitioner.

8. The TRP (C) is allowed, with the aforesaid directions.

9. Urgent certified copy of this order be granted as per rules.

Issue urgent certified copy as per rules.

(SAVITRI RATHO)
JUDGE