

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.205 of 2022

Manjushree Patra

....

Petitioner

Mr.S.N.Das, Advocate

Versus

Sudhanshu Sekhar Sahoo

....

Opp. Party

CORAM:

JUSTICE SAVITRI RATHO

ORDER

19.07.2022

Order No.

01. This matter is taken up by hybrid mode.

2. This application has been filed by the petitioner-wife under Section 24 of C.P.C. for transfer of Civil Proceeding No.307 of 2021 filed by the opp. party-husband under Section-9 of the Hindu Marriage Act, 1955 in the Court of learned Judge, Family Court, Jagatsinghpur, to the Court of learned Judge, Family Court, Bhubaneswar.

3. Learned counsel for the petitioner submits that the marriage between the parties had been solemnized on 04.12.2016 and they were blessed with a child who is residing with the petitioner. But due to harassment and torture on account of dowry, the petitioner was compelled to move her parents house in Bhubaneswar and since then she is staying there with her child. On account of distance between Jagatsinghpur and Bhubaneswar which is about 100 K.Ms and that her parents are aged persons and she has to take care of the small child , it will be inconvenient for her to travel to Jagatsinghpur on each date the case is posted to . He further submits that the case under Section 125 of Cr.P.C. has been filed in the Court of learned S.D.J.M.,

Bhubaneswar in which notice has been issued to opp. party and he has already appeared in the case.

4. In view of the nature of proceedings under Section 9 of the Hindu Marriage Act and the inconvenience which will be faced by the petitioner, if she is compelled to personally appear in the case at Jagatsinghpur on each date and the delay in disposal of the case if it is directed to be transferred to Bhubaneswar, instead of directing for transfer of the Civil Proceeding to Bhubaneswar and at the same time keeping the convenience of the petitioner in mind and in order to ensure expeditious disposal of the proceeding, I direct that the petitioner shall be permitted to file her response in C.P. No. 307 of 2021 (if not already filed) by way of an affidavit through her counsel or sent through Speed Post with A.D or Registered Post with A.D. addressing to the Registry of the District Court, Jagatsinghpur giving her contact number therein within a period of two weeks from today. In case she agrees to join the company of the opp party, the learned Judge Family Court shall finally dispose of the Civil Proceeding No.307 of 2021 by passing appropriate order within a period of four weeks thereafter. In the event the petitioner is not willing to join the opp party, the learned Judge, Family Court, Jagatsinghpur shall first make effort for conciliation fixing a suitable date for appearance of both the parties giving enough notice. In the event the conciliation process does not succeed or the parties do not cooperate, the learned Judge, Family Court, Jagatsinghpur shall conclude the proceeding as expeditiously as possible preferably within one or two dates from the date of failure of the conciliation, if any, without insisting on the appearance of the wife. In the event the presence of the petitioner is necessary on any date in Jagatsinghpur and she expresses her intention to appear personally, she shall be granted sufficient time to

appear in the case . If any travel expenses are claimed by the petitioner-wife, the learned Judge Family Court , Jagatsinghpur shall pass necessary order for deposit of the same by the opp party – husband who shall deposit the same in the Court concerned which shall be handed over to the petitioner-wife.

5. The TRP (C) is disposed of with the aforesaid directions.
6. As the TRP (C) is disposed of without issuing notice to the opp. party-husband, liberty is granted to him to approach this Court for variation/modification of this order in case of utmost necessity.
7. Urgent certified copy of this order be granted as per rules.
8. A copy of this order be sent to the Court of the learned Judge, family Court, Jagatsinghpur by the Registry, at the earliest.

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Savitri Ratho
Judge