

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP (C) No.211 of 2022

<i>Smt. Harapriya Barik</i>		<i>Petitioner</i>
	<i>Mr.Pabitra Kumar Nayak, Advocate</i>	
	<i>Versus</i>	
<i>Bisweswar Barik</i>		<i>Opp. Party</i>

**CORAM:
JUSTICE SAVITRI RATHO**

**ORDER
11.07.2022**

Order No.

02. This matter is taken up by hybrid mode.
2. This transfer petition has been filed by the petitioner-wife under Section 24 of C.P.C. for transfer of C.P. Case No. 175 of 2022 filed by the opp. party-husband under Section 9 of the Hindu Marriage Act, 1955 in the Court of learned Judge, Family Court, Bhadrak to the Court of learned Judge, Family Court, Rourkela.
3. Mr. Pabitra Kumar Nayak, learned counsel for the petitioner submits that the marriage of the parties was solemnized on 25.06.2021 and on account of ill-treatment by the opp. party husband, the petitioner could not live with him and is staying with her old parents Rourkela with her minor daughter. He further submits that the petitioner has no source of income and is dependent on her parents and brother. As the distance between the Bhadrak and Rourkela is about 500 kms., she will face a lot inconvenience and hardship to go to Rourkela on each date to contest the case.
4. In view of the nature of the case, where personal appearance of the petitioner may not be necessary on each date, I do not think it is

necessary to transfer the case to Rourkela . But considering the inconvenience which will be faced by the petitioner, if it is necessary for her to personally appear in the case at Bhadrak on any date and to ensure expeditious disposal of the proceeding , I direct that the petitioner shall be permitted to send her response in C.P. No. 175 of 2022 (if not already filed) by way of an affidavit through her counsel or through Speed Post with A.D or Registered Post with A.D. addressing to the Registrar of the District Court, Bhadrak giving her contact number therein by 25.07.2022 . 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. 175 of 2022 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, Bhadrak shall first make effort for conciliation fixing a suitable date for appearance of both the parties . In the event, the conciliation process does not succeed or the parties do not cooperate, the learned Judge, Family Court, Bhadrak 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 Bhadrak and she expresses her intention to appear personally, opp party is directed to deposit a sum of Rs.3,500/- (rupees three thousand five hundred) only at least one week prior to the date of posting of the proceeding towards expenses for her travel and stay at Rourkela and the said amount shall be released in favour of the petitioner in case she personally appears in the case on such date. In case of her non appearance, the amount will be refunded to the opp party.

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, Bhadrak by the Registry, at the earliest.

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