

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.212 of 2022

Smt. Rashmita Rout

.... ***Petitioner***
Mr. U.K. Lenka, Advocate

Versus

Sri Smruti Ranjan Pal

.... ***Opposite Party***
Mr. Bibhuti Bhusan Rout, Advocate
on behalf of Mr. P.K. Biswal, Advocate

CORAM:

JUSTICE SAVITRI RATHO

ORDER

07.09.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. In this application, the petitioner-wife has filed this application for transfer of C.P. No. 118 of 2022 filed under Section 13 (1) (i-a) of Hindu Marriage Act by the opposite party-husband in the court of learned Judge, Family Court, Kendrapara to the learned Judge, Family Court, Cuttack.
3. Mr. U.K. Lenka, learned counsel for the petitioner submits that the marriage of the parties was solemnized in the year, 2012 and they have been blessed with two daughters, who are aged about 8 years and 3 years now and are staying with the petitioner at Cuttack. He further submits that the petitioner is working as Pharmacist in SCB Medical College and Hospital, Cuttack and the distance between the Cuttack and Kendrapara is about 60 kms., for which the petitioner will face inconvenience and hardship to go to Kendrapara on each date leaving behind her children.

4. Mr. Bibhuti Bhusan Rout, learned counsel on behalf of Mr. Prafulla Kumar Biswal, learned counsel for the opposite party opposes the prayer for transfer and submits that the opposite party will face difficulty if C.P. No. 118 of 2022 is transferred to the Court of learned Judge, Family Court, Cuttack. However, in case the proceeding is transferred, direction may be given for its early disposal so that his difficulty is mitigated.

5. Considering the submissions of the counsels and that in matrimonial cases the convenience of the wife is of paramount consideration, the prayer for transfer is allowed. The learned Judge, Family Court, Kendrapara is directed to transfer the records of C.P. No. 118 of 2022 to the Court of the learned Judge, Family Court, Cuttack by 23.09.2022. The parties undertake to appear in the Court of learned Judge, Family Court, Cuttack on 13.10.2022. In order to mitigate the inconvenience which will be faced by the opposite party who has to come from Kendrapara, the learned Judge, Family Court, Cuttack shall do well to dispose of the proceeding expeditiously.

10. The TRP(C) is disposed of with the aforesaid observations.

11. Registry is directed to send a copy of this order to the Court of learned Judge, Family Court, Kendrapara forthwith for compliance.

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

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(Savitri.Ratho)
Judge