

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.215 of 2022

<i>Smt. Rashmi Rani Rana @ Nandi</i>		<i>Petitioner</i>
		<i>Mr. Abinash Routray , Advocate</i>
<i>Sankarsan Nandi</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. 258 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, Balasore to the Court of learned Judge, Family Court, Baripada, Mayurbhanj.

3. Mr. Abinash Routray , learned counsel for the petitioner submits that the marriage of the petitioner and Opp Party had been solemnized on 07.12.2020 at Baripada and a daughter was born out of their wedlock on 02.10.2021. But on account of harassment for non payment of more dowry , the petitioner was compelled to leave her matrimonial house with her daughter and is since then residing with her parents in Baripada. The petitioner is dependent on her parents as she has no independent source of income and will face inconvenience and hardship if she has to go to Baripada on each date along with her minor daughter to contest the case as the distance between Balasore and Baripada is about 60 kms.

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

necessary to transfer to Baripada. But considering the inconvenience which will be faced by the petitioner, if it is necessary for her to personally appear in the case at Balasore on any date and to eliminate any reason for delay in disposal of the proceeding, I direct that the petitioner shall be permitted to send her response / written statement men in C.P. No. 258 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. addressed to the Registrar of the District Court, Balasore 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.258 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, Balasore 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, Balasore 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 Balasore and she expresses her intention to appear personally, opp party is directed to deposit a sum of Rs.2,000/- (rupees two thousand) only at least one week prior to the date of posting of the proceeding towards expenses for her travel and stay at Baripada 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, Balasore by the Registry, at the earliest.

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