

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.221 of 2022

Sarojini Dash

....

Petitioner

Mr.Umesh Chandra Jena, Advocate

Versus

Gagan Bihari Dash

....

Opposite Party

Mr.M.R.Pradhan, Advocate

CORAM:

JUSTICE SAVITRI RATHO

ORDER

14.10.2022

(Through hybrid mode)

Order No.

05.

1. This application has been filed by the petitioner-wife under Section 24 of C.P.C. for transfer of Civil Proceeding No.105 of 2022 filed by the opposite party-husband under Section 13 (1) of the Hindu Marriage Act in the Court of learned Judge, Family Court, Balasore, to the Court of learned Judge, Family Court, Bhadrak.

2. Mr. Jena, learned counsel for the petitioner submits that the marriage of the parties had been solemnized on 12.5.2014 and on 15.4.2015, they have been blessed with a daughter. On the instigation of his mother, the opposite party abused and assaulted the petitioner and drove her out from the house when she was pregnant. Since then, she has been residing in her parental house at Bhadrak and has given birth to a daughter in District Headquarters Hospital at Bhadrak on 15.04.2015. He further submits that the petitioner has no independent source of income and is trying to maintain herself and her daughter by doing private tuition. She had filed CRLMC No.53 of 2018 in the Court of

learned Judge, Family Court, Bhadrak, which has been disposed of after contest vide order dated 4.12.2021 and the opposite party has been directed to pay monthly allowance of Rs.7,000/- to the petitioner and her daughter, but the same is not sufficient for their expenses. It will be inconvenient for her to go to Balasore which is about 65 kms. away to contest the case.

3. Mr. M.R.Pradhan, learned counsel for the opposite party-husband submits that the distance between Balasore and Bhadrak is about 65 K.Ms, but the opposite party is working at Jaleswar which is 40 kms. away from Balasore so he has to travel 100 kms. if the case will be transferred to Bhadrak.

4. Considering the submission of the learned counsels, the settled position of law that the convenience of the wife is of paramount consideration in a matrimonial proceeding, the prayer for transfer is allowed.

5. The learned Judge, Family Court, Balasore is directed to transfer the records of Civil Proceeding No.105 of 2022 (***Gagan Bihari Das vrs. Smt. Sarojini Das***), to the Court of the learned Judge, Family Court, Bhadrak by 01.11.2022. The parties undertake to appear through their counsel in the Court of learned Judge, Family Court, Bhadrak on 14.11.2022 and co-operate for expeditious disposal of the proceedings.

6. In order to mitigate the inconvenience which will be faced by the opposite party-husband to travel to Bhadrak to attend the case, the

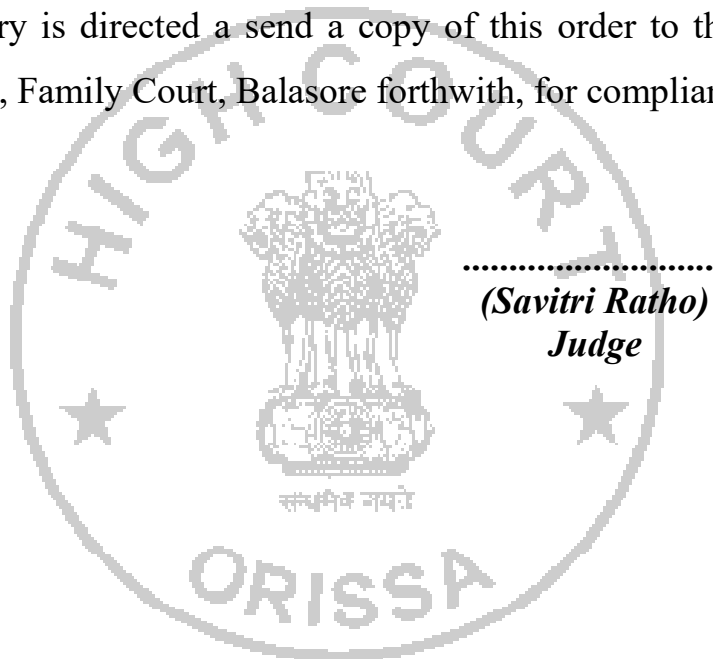
learned Judge, Family Court, Bhadrak is directed to dispose of the aforesaid Civil Proceeding expeditiously and not to grant unnecessary adjournments.

7. The TRP(C) is accordingly allowed with the aforesaid observations.

8. Urgent certified copy be granted on proper application.

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

Bichi



.....
(Savitri Ratho)
Judge