

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 223 of 2022

Smt. Swarnaprava Mishra

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Petitioner

Mr. A.C. Behera, Advocate

Vs.

*Sri Subasish Panigrahi @
Subhasish Panigrahi*

.....

Opposite Party

Mr. B.C. Ghadei, Advocate

CORAM:

JUSTICE SAVITRI RATHO

ORDER

07.09.2022

Order No.

03.

1. This matter is taken up through 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.83 of 2020 filed by the opp. party-husband under Section 13(1) of the Hindu Marriage Act, 1955 in the Court of learned Judge, Family Court, Balasore, to the Court of learned Judge, Family Court, Bhadrak.
3. Mr. A.C. Behera, learned counsel for the petitioner submits that the marriage of the parties was solemnized on 26.01.2019 but on account of demand for dowry and ill-treatment by the opp. party, she is residing in her parental house at Chandanpur in the District of Bhadrak since June, 2019 and she has filed C.P. No. 207 of 2022 in the Court of learned Judge, Family Court, Bhadrak in which notice had been issued to the opposite party and he has entered appearance in this case. He further submits that the distance between Bhadrak and Balasore is more than 80 kms. and the petitioner will face difficulty if she has go to Balasore to defend the case.
4. Mr. B.C. Ghadei, learned counsel appearing on behalf

of the opposite party submits that the opposite party will face difficulty if Civil Proceeding No.83 of 2020 is transferred to the Court of learned Judge, Family Court, Bhadrak, but since the petitioner has filed C.P. No. 207 of 2022 in the Court of learned Judge, Family Court, Bhadrak in which he has appeared, in case C.P. No. 83 of 2020 is directed to be transferred, his difficulty will be mitigated if the two proceedings are posted on the same date in the Court of learned Judge, Family Court, Bhadrak.

5. Considering the submissions of the counsels, the settled position of law that the convenience of the wife is of paramount consideration in a matrimonial proceeding, and as C.P. No. 207 of 2022 referred to above is already pending in Bhadrak and the opposite party has already appeared in the case, the prayer for transfer is allowed.

6. The learned Judge, Family Court, Balasore is directed to transfer the records of Civil Proceeding No.83 of 2020 to the Court of the learned Judge, Family Court, Bhadrak by 20.09.2022. The parties undertake to appear in the Court of learned Judge, Family Court, Bhadrak on 30.09.2022.

7. In order to mitigate the inconvenience which will be faced by the opposite party-husband who has to come to Bhadrak from Balasore to attend the two cases, the learned Judge, Family Court, Bhadrak shall do well to post the two cases in his/her Court on the same date and dispose of the proceedings expeditiously. Both the parties undertake to cooperate for expeditious disposal of the proceedings.

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

9. Urgent certified copy be granted on proper application.
10. Registry is directed to send a copy of this order to the Court of learned Judge, Family Court, Balasore forthwith for compliance.

puspa

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(SAVITRI RATHO)
JUDGE

