

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.227 of 2022

Subrata Priyadarshini

....

Petitioner

Mr.Suman Routray, Advocate

Versus

Niharkanta Pradhan

....

Opposite Party

Mr. S.S.Chaini, Advocate

CORAM:
JUSTICE SAVITRI RATHO

ORDER
21.09.2022

Order No.

04.

(Through hybrid mode)

1. Heard Mr.Routray, learned counsel for the petitioner and Mr.Chaini, learned counsel for the opposite party.
2. This application has been filed by the petitioner-wife under Section 24 of C.P.C. for transfer of C.P.No.65 of 2022 filed by the opposite party-husband under Section-13 (A) of the Hindu Marriage Act in the Court of learned Judge, Family Court, Puri, to the Court of learned Judge, Family Court, Bhubaneswar.
3. Learned counsel for the petitioner submits that the marriage of the parties was solemnized on 18.04.2018. After marriage, the petitioner was working at Bhubaneswar Municipal Corporation and she was coming to Bhubaneswar regularly but thereafter due to torture and humiliation by the opposite party and his family members, she was constrained to stay in Bhubaneswar in a rented house and requested her husband to stay with her, but to no avail. On 08.03.2019, when the petitioner went to her in-laws house in Nimapara, she was humiliated and not allowed to enter the house of the opposite party and insulted before the public gathered in front of

the house and was asked to leave. He further submits that the petitioner has filed CMC No.115 of 2021 under Section 12 of the Protection of the Women from Domestic Violence Act, 2005 in the Court of the learned S.D.J.M., Bhubaneswar in which the opposite party has already appeared. Thereafter, the opposite party has filed C.P. No.65 of 2022 in the Court of the learned Judge, Family Court, Puri only with intention to harass the petitioner. He also submits that the distance between Nimapara to Puri is about 50 K.M.s while the distance between Nimapara to Bhubaneswar is about 43 K.Ms. It would not therefore be inconvenient for the opposite party to come to Bhubaneswar as he has already appeared in the other case in Bhubaneswar. He further submits that inadvertently the place of marriage has been mentioned in the TRP (C) to be Bhubaneswar.

4. Mr. Chaini, learned counsel for the opposite party submits that the application for transfer should be dismissed as the petitioner has made incorrect averment in the TRP (C) petition at paragraph-12 that place of her marriage is Bhubaneswar. In paragraph-2 of the petition in C.M.C. No.115 of 2021, she has correctly stated that her marriage has been solemnized at Haramani Mandap, Kakatpur, District:Puri. He further submits that as the opposite party is a resident of Nimapara, it would be convenient for him to attend the case at Puri, but in case the case is transferred to Bhubaneswar, direction be issued for early disposal of the case, so that the inconvenience which will be faced by the opposite party is mitigated.

5. Considering the above submissions and keeping in mind the settled position of law that convenience of the wife is normally given more weightage in matrimonial case, the prayer for transfer of C.P.No.65 of 2022 is allowed.

6. The learned Judge, Family Court, Puri is requested to transmit the records of C.P.No.65 of 2022 (***Sri Niharkanta Pradhan vs. Smt. Subrata Priyadarshini***), to the Court of learned Judge, Family Court, Bhubaneswar-II by 11.10.2022. The parties undertake to appear in the Court of the learned Judge, Family Court, Bhubaneswar-II on 20.10.2022. If there is no other impediment, the learned Judge, Family Court, Bhubaneswar-II shall post the C.P. Case on the same date the D.V. Misc. Case is posted to, if such prayer is made on behalf of the opposite party. The parties shall cooperate for expeditious disposal of the case.

7. The TRP (C) is accordingly allowed.

8. Registry is directed to send a copy of this order to the Court of learned Judge, Family Court, Puri for compliance.

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



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Savitri Ratho
Judge

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