

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 249 of 2019

Saswati Priyadarsini

.....

Petitioner

Mr. R.N. Prusty, Adv.

Vs.

Chandrasekhar Sahoo

.....

Opposite Parties

CORAM:

JUSTICE SAVITRI RATHO

ORDER

11.08.2022

Order No.

05.

This matter is taken up through hybrid mode.

2. Heard Mr. R.N. Prusty, learned counsel for the petitioner.

3. Office note indicates that unserved notice as against sole opp. party has returned with postal endorsement "addressee refused". Hence notice on the opp. party is held to be sufficient.

4. This application under Section 24 of the C.P.C. has been filed by the petitioner-wife praying for transfer of C.P. No.7 of 2019 filed by the opposite party-husband under Section 9 of the Hindu Marriage Act, in the Court of the learned Civil Judge (Senior Division), Banki, to the Court of the learned Civil Judge (Senior Division), Athagarh.

5. In view of the nature of the proceeding under Section-9 of the Hindu Marriage Act, directions are usually issued for mitigating the inconvenience faced by an opp. party in such a proceeding instead of transferring the proceeding. But in the present case as it is stated that MAT Case No. 150 of 2019 in the Court of the learned Civil Judge (Senior Judge), Athagarh filed under Section 18(1), 2(b) of the Hindu Adoption and Maintenance Act, 1956 by the petitioner-wife is pending where pursuant to issue of notice, the opp. party-husband has already appeared in the case

and as the wife who is residing with her minor son at Gurudijhatia, it would be expedient in the interest of justice to transfer of C.P. No.7 of 2019 pending in the Court of the learned Senior Civil Judge, Banki, to the Court of the learned Senior Civil Judge, Athagarh. The prayer for transfer is therefore allowed.

6. The learned Senior Civil Judge, Banki is requested to send the record of C.P. No.7 of 2019 to the Court of learned Senior Civil Judge, Athagarh by 05.09.2022. The parties are directed to appear in the Court of the learned Senior Civil Judge, Athagarh on 19.09.2022. In case the opp. party does not appear on 19.09.2022, the learned Senior Civil Judge, Athagarh is requested to issue notice to the opp. party for his appearance.

7. Learned counsel for the petitioner undertakes to file requisites by 22.08.2022 for communication of this order to the opp. party through Registered / Speed Post with A.D. Both parties shall cooperate for early disposal of the case.

8. It is also observed that if request is made by the opp. party for posting the C.P. N o. 7 of 2019 to the same date as MAT Case No. 150 of 2019, the said prayer shall be considered sympathetically.

9. The TRP (C) is accordingly disposed of.

10. Issue urgent certified copy as per rules.

11. Registry is directed a send a copy of this order to the Court of learned Civil Judge (Senior Division), Banki forthwith for compliance.

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(SAVITRI RATHO)
JUDGE