

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP (C) NO.240 OF 2022

Chirasmita Nath

Petitioner
.....
Mr.S.C.Pradhan, Advocate

-versus-

Smruti Ranjan Nath

Opposite Party
.....

CORAM:
MR. JUSTICE D.DASH

ORDER
09.11.2022

Order No.

03.

1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. Keeping in view of the office note, the service of notice upon the Opposite Party is held to be sufficient.
3. The Petitioner by filing this application under section 24 Code of Civil Procedure of C.P Case No.331 of 2021 pending in the Court of learned Judge, Family Court Kendrapara to the Jurisdictional Court at Jajpur.
4. Learned Counsel for the Petitioners submits that the Petitioner No.2 who is the minor daughter of the Petitioner No.1 is now residing with the Petitioner No.1 under her care and custody at Jajpur and the Petitioner No.1 (wife) has initiated proceeding as against the Opposite Party (husband) under the D.V Act wherein an order of maintenance being passed in favour of the Petitioner No.1 (wife), the same is not being complied with by the Opposite Party.
5. It is submitted that the Opposite Party has initiated the proceeding under section 9 of the Hindu Marriage Act in the Court

of Judge Family Court, Kendrapara and therefore in the present situation for the Petitioners to move to Kendrapra in defending the proceeding would be of great hardship and sufferings in all front.

6. None appears on behalf of the Opposite Party.

7. Considering the submissions made and on going through the averments taken in the Application, further taking into account the social strata of the parties and their behavioural pattern, standard of life and the circumstances of both the parties in eking out their livelihood; in the prevailing socio-economic paradigm in the society; this Court hereby orders that the Civil Proceeding No.331 of 2021 pending before the learned Judge, Family Court, Kendrapara shall stand transferred to the Jurisdictional Court at Jajpur. Accordingly, it is directed that the record of the said proceeding be transmitted to the Jurisdictional Court at Jajpur at an early date not later than 23.12.2022 for its disposal in accordance with law within a period of one (1) year from the date of appearance of the Opposite Party.

8. Learned Counsel for the Petitioner is requested to instruct the Petitioner to enter appearance before the Jurisdictional Court at Jajpur in the aforesaid Civil Proceeding on 03.01.2023 to receive further instruction and cooperate for its further progress and disposal within the time frame in accordance with law.

9. The TRP(C) and I.A. are accordingly disposed of. A copy of the order be communicated to both the Courts for necessary actions at their end.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**