

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(CRL) No. 45 of 2022

Sri Pabitra Kumar Pati

....

Petitioner

Mr. J.K. Mishra, Advocate

Versus

Smt. Sushree Satabdi Mishra

....

Opposite Party

CORAM:

JUSTICE SAVITRI RATHO

ORDER

19.10.2022

Order No.

08.

(Through hybrid mode)

Notice had been issued to the opposite party-wife fixing 12.09.2022 for her appearance. So when none appeared for her on 13.09.2022 when the matter was listed, the matter was directed to be listed on 19.09.2022. On 20.09.2022 and 17.10.2022, none appeared for the opposite party. On 17.10.2022, this matter was adjourned to today. None appears for the opposite party-wife when the matter is called. So the matter is heard in the absence of the opposite party.

2. This transfer petition under Section 407 of Cr.P.C. has been filed by the petitioner-husband for transfer of Cr.P. No. 94 of 2022 filed by the opp. party-wife under Section 125 Cr.P.C. in the Court of learned Judge, Family Court, Bhadrak to the Court of learned Judge, Family Court, Balasore.

3. Though I was not inclined to entertain this transfer petition, but Mr. J.K. Mishra, learned counsel for the petitioner brings to my notice order dated 18.02.2022 (Annexure-1) passed by this Court in TRP(C) No. 16 of 2022 filed by the opposite

party, where C.P. No. 186 of 2021 filed by the petitioner in the Court of learned Judge, Family Court, Baripada, Mayurbhanj has been transferred to the Court of learned Judge, Family Court, Balasore.

4. The learned counsel for the petitioner has filed the copy of the orders dated 02.04.2022, 29.04.2022, 29.06.2022, 23.07.2022 and 27.08.2022 passed in C.P. No. 172 of 2022/186 of 2021 from which it appears that the opposite party-wife has appeared in the case after its transfer and the case is being adjourned for conciliation. He further submits that in Cr.P. No. 94 of 2022, the petitioner had appeared in the case on 27.06.2022 and it was adjourned to 02.08.2022 for filing of objection and thereafter it was adjourned to 28.09.2022. On 28.09.2022 it was adjourned to 15.10.2022 for re-conciliation and on 15.10.2022 it has been adjourned to 24.11.2022 for counselling and hearing. Mr. Mishra files a memo containing the dates on which Cr.P. No. 94 of 2022 was posted and the reasons for adjournment of the case.

5. So on the ground that C.P. No. 172 of 2022/186 of 2021 is pending in the Court of learned Judge, Family Court, Balasore, he prays for transfer of Cr.P. No. 94 of 2022 to the same Court.

6. Considering the submission that C.P. No. 186 of 2021 has been transferred to the Court of learned Judge, Family Court, Balasore and the opposite party is appearing in the said case, I feel it will not be inconvenient for her if Cr.P. No. 94 of 2022 is also transferred to the said Court. But since she has to travel from Bhadrak to Balasore, the petitioner-husband shall pay her travelling expenses.

7. The learned Judge, Family Court, Bhadrak is requested to transfer the records of Cr.P. No. 94 of 2022 (***Smt. Sushree Satabdi Mishra vrs. Sri Pabitra Kumar Pati***) to the Court of the learned Judge, Family Court, Balasore by 09.11.2022. Therefore learned Judge, Family Court, Balasore shall issue notice to both the parties for their appearance. In order to minimize the inconvenience which will be caused to the opposite party-wife, the learned Judge, Family Court, Balasore is requested to post Cr.P. No. 94 of 2022 on the same date as C.P. No. 172 of 2022/186 of 2021 is posted to if there is no other legal impediment and to dispose of the proceedings expeditiously. He shall direct the petitioner-husband to pay the travelling expenses of the opposite party-wife and her companion on each date the cases are posted to.

8. The TRP (CRL) is accordingly allowed.

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

10. Urgent certified copy of this order be granted on proper application.

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(***Savitri Ratho***)
Judge

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