

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.241 of 2022

Manika Das @ Mamata Kunar Petitioner

-versus-

Satyanarayan Das Opposite Party

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
02.12.2022**

Order No

- 07.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Pursuant to the order passed by this Court on 16.11.2022 both the Parties along with their respective counsel are present before this Court.
3. Though this Court tries for an amicable settlement of the matter, the Opp. Party-husband is ready to take back the Petitioner, but the Petitioner apprehending danger to her life is not ready to go back with the Opp. Party-husband.
4. This transfer petition has been filed seeking transfer of C.P. No. 138 of 2022 from the Court of learned Judge, Family Court, Puri to the Court of learned Judge, Family Court, Cuttack.
5. Learned counsel for the Petitioner contended that the Opp. Party is now facing another proceeding in Criminal Proceeding No. 98 of 2022 before the learned Judge, Family Court, Cuttack. Accordingly, it is contended that the matter in C.P. No. 138 of 2022 be

transferred to the Court of learned Judge, Family Court at Cuttack, so that both the matters can be heard by a Single Court.

6. Learned counsel for the Opp. Party-husband on the other hand submitted that the Petitioner is residing at Sakhigopal and he is earning his livelihood by working in the Ananda Bazar of Sri Jagannath Temple at Puri. It is also contended that the Opp. Party-husband has got no means to take part in the proceeding at Cuttack. Accordingly, it is submitted that if both the proceedings in C.P. No. 138 of 2022 as well as Criminal Proceeding No. 98 of 2022 are transferred to the Court of learned Judge, Family Court, Bhubaneswar, the Opp. Party-husband can appear before the said Court in both the proceedings. Learned counsel appearing for the Petitioner as well as the Petitioner in Person contended that they have no objection if both the proceedings are transferred to the Court of learned Judge, Family Court at Bhubaneswar.

7. However, this Court taking into account the submissions made by learned counsel for the Parties, when this Court proposed that the Opp. Party-husband shall pay a monthly maintenance of Rs.2,000/- (Rs. Two Thousand) to the Petitioner from this month onwards and will pay a sum of Rs.200/- for each appearance of the Petitioner before the learned Judge, Family Court, Bhubaneswar, the Opp. Party who is present in Person agreed to the said view of this Court.

8. In view of the submission made by the learned counsel for the Parties and the concession given by the Petitioner and Opp. Party, who were present before this Court in Person, this Court while disposing the matter, directs for transfer of C.P. No. 138 of 2022 as well as Criminal Proceeding No. 98 of 2022 to the Court of learned

Family Judge, Bhubaneswar with the condition that the Opp. Party-husband shall pay a monthly maintenance of Rs.2,000/- (Rs. Two Thousand) to the Petitioner from this month onwards and will pay a sum of Rs.200/- for each appearance of the Petitioner before the learned Judge, Family Court, Bhubaneswar. Accordingly, while disposing the matter, this Court directs learned Judge, Family Court, Puri to transfer C.P. Case No. 138 of 2022 to the Court of learned Judge, Family Court, Bhubaneswar. Similarly, learned Family Judge, Cuttack is also directed to transfer Criminal Proceeding No. 98 of 2022 to the Court of learned Family Judge at Bhubaneswar. Both the Courts are directed to transfer the matters as directed to the Court of learned Judge, Family Court, Bhubaneswar forthwith on receipt of this order.

8. The transfer petition is disposed of with the aforesaid observation and direction.

Sneha

(Biraja Prasanna Satapathy)
Judge