

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.242 of 2022

Afreen Parween

.... ***Petitioner***

Mr.S.K.Panda, Advocate

Versus

Md. Abdula

....

Opp. Party

CORAM:
JUSTICE SAVITRI RATHO

ORDER
19.07.2022

Order No.

01. This matter is taken up by hybrid mode.

2. This application has been filed by the petitioner-wife under Section 24 of C.P.C. read with Section 151 of the C.P.C. for transfer of MAT Case No.02 of 2022 filed by the opp. party-husband under Section-281 of Mulla's Principal of Mohammedian Law read with Section 7 of the Family Courts Act, 1984 for restitution of conjugal rights, in the Court of learned Civil Judge (Senior Division), Rajgangpur, to the Court of learned Judge, Family Court, Jharsuguda.

3. Learned counsel for the petitioner submits that written statement in this case have already been filed. He further submits that the petitioner lodged FIR against the opp. party on 12.1.2022 and since then she is continuing to reside with her parental home in destitute conditions alongwith her son. He further submits that the distance between Brajarajnagar and Rajgangpur is about 150 K.Ms and due to financial stringency, the petitioner will not be able to attend the Court at Rajgangpur on each date the case is posted to. He further submits that the petitioner is completely dependent upon her old parents and her father has a meager income. The opp. party is residing with his third wife and has giving threats to kidnap her son, for which she is apprehensive to go to Rajgangpur.

4. In my opinion, in view of the nature of the case and the inconvenience which will be faced by the petitioner, if she is compelled to personally appear in the case at Rajgangpur on each date and the delay in disposal of the case if it is directed to be transferred to Jharsuguda, instead of directing for transfer of the Civil Proceeding to Jharsuguda and at the same time keeping the convenience of the petitioner in mind and in order to ensure expeditious disposal of the proceeding, I direct that the petitioner shall be permitted to file her response in MAT Case No.02 of 2022 (if not already filed) by way of an affidavit through her counsel or sent through Speed Post with A.D or Registered Post with A.D. addressing to the Registry of the District Court, Rajgangpur giving her contact number therein within a period of two weeks from today. In case she agrees to join the company of the opp party, the learned Civil Judge (Senior Division), Rajgangpur shall finally dispose of the MAT case by passing appropriate order within a period of four weeks thereafter. In the event the petitioner is not willing to join the opp party, the learned Civil Judge (Senior Division), Rajgangpur shall first make effort for conciliation fixing a suitable date for appearance of both the parties. In the event the conciliation process does not succeed or the parties do not cooperate, the learned Civil Judge (Senior Division), Rajgangpur shall conclude the proceeding as expeditiously as possible preferably within one or two dates from the date of failure of the conciliation, if any, without insisting on the appearance of the wife. In the event the presence of the petitioner is necessary on any date in Rajgangpur and she expresses her intention to appear personally, she shall be granted sufficient time to appear in the case. If any travel expenses are claimed by the petitioner-wife, the learned Civil Judge (Senior Division), Rajgangpur shall pass necessary order for deposit of the same by the opp. party-husband and on deposit of the same in the Court concerned, it shall be released in favour of the petitioner-wife.

5. The TRP (C) is disposed of with the aforesaid directions.
6. As the TRP (C) is disposed of without issuing notice to the opp. party-husband, liberty is granted to him to approach this Court for variation/modification of this order in case of utmost necessity.
7. Urgent certified copy of this order be granted as per rules.
8. A copy of this order be sent to the Court of the learned Civil Judge (Senior Division), Rajgangpur by the Registry, at the earliest.

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Savitri Ratho
Judge

Bichi

