

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.257 of 2019

Deepanjali Pati

....

Petitioner

*Ms.Sulochana Patra, Advocate
on behalf of Mr.K.P.Dash, Advocate*

Versus

Ajit Sharma

....

Opposite Party

Mr.Jagannath Bhuyan, Advocate

CORAM:

JUSTICE SAVITRI RATHO

ORDER

24.09.2022

Order No.

06.

(Through hybrid mode)

1. Perused the report dated 15.07.2022 of the learned Judge, Family Court, Phulbani wherein it is stated that in view of the observation made by the Hon'ble Apex Court in the case of *Asian Resurfacing of Road Agency Pvt. Ltd. and another vs. Central Bureau of Investigation* reported in **2010 (II) OLR (SC) 948**, the stay order passed by this Court on 19.09.2019 in I.A.No.281 of 2019 has been revoked. Thereafter, notice has been issued to both parties for their appearance. The opposite had appeared on 27.04.2022, but the petitioner had not yet appeared. So, the case was posted to 08.07.2022 awaiting S.R. of petitioner.
2. This application has been filed by the petitioner-wife under Section 24 of C.P.C. for transfer of C.P.No.14 of 2019 filed by the opposite party-husband under Section 13 (i) (i) (a) of the Hindu

Marriage Act in the Court of learned Judge, Family Court, Phulbani, to the Court of learned Civil Judge (Senior Division), Bhanjanagar in the district of Ganjam.

3. Ms. Patra, learned counsel for the petitioner submits that the marriage of the parties had been solemnized on 17.02.2016 and a daughter was born to them on 3.2.2018 and the petitioner and her daughter are now staying in her parents house at B.D.Pur Sasan in Jagannath Prasad. Since the distance between B.D. Pur Sasan and Phulbani is about 100 K.Ms and the petitioner has no independent source of income and is dependent on her parents, it is difficult for her to go to Phulbani to contest the case.

4. Mr. Bhuyan, learned counsel for the opposite party submits that the petitioner did not show any interest to lead a conjugal life with the opposite party or look after their daughter. Thereafter, she had left the matrimonial house without reasonable cause on 22.11.2018 and after all efforts to bring her back failed, the opposite party has filed the proceeding under Section 13 (1) (ia) of the Hindu Marriage Act. He further submits that if the aforesaid C.P. case is transferred to Bhanjanagar, the opposite party will face inconvenience and in order to mitigate his inconvenience, direction be issued for expeditious disposal of the proceeding.

5. Considering the above submissions and keeping in mind the settled position of law that convenience of the wife is normally given more weightage in matrimonial cases, the prayer for transfer of C.P.No.14 of 2019 is allowed.

6. The learned Judge, Family Court, Phulbani is requested to transmit the records of C.P.No.14 of 2019 (*Ajit Sharma v. Deepanjali Pati*), to the Court of learned Civil Judge (Senior Division), Bhanjanagar by

13.10.2022. Both parties shall appear before Court of learned Civil Judge (Senior Division), Bhanjanagar on 21.10.2022 and cooperate for expeditious disposal of the case.

7. The TRP (C) is accordingly allowed.

8. Registry is directed to send a copy of this order to the Court of learned Judge, Family Court, Phulbani for compliance.

9. Urgent certified copy of this order be granted as per rules.

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Savitri Ratho

Judge