

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.248 of 2022

Sasmita Panda

....

Petitioner

Mr. Satya Shiva Dash, Advocate

Versus

Vivekananda Pati

....

Opposite Party

Mr. D.K. Sahoo, Advocate

CORAM:

JUSTICE SAVITRI RATHO

ORDER

16.09.2022

Order No.

04.

(Through hybrid mode)

1. Heard Mr. Satya Shiva Dash, learned counsel for the petitioner.
2. This application under Section 24 of the C.P.C. has been filed by the petitioner-wife for transfer of C.P. No. 32 of 2022 filed by the opposite party-husband under Section 13 of the Hindu Marriage Act, in the Court of the learned Judge, Family Court, Dhenkanal, to the Court of learned Judge, Family Court, Jajpur.
3. Mr. Dash, learned counsel for the petitioner submits that the marriage of the parties was solemnized on 30.04.2005 and they have a son who is now studying in Class-X in School in Jajpur. The petitioner is working as a Clerk in Baghua Brahmanidevi High School situated at Balisahi in the District of Jajpur and as the distance between Dhenkanal and Jajpur is more than 105 kms., it would be inconvenient for her to go Dhenkanal to contest the case. The petitioner was staying and looking after her mother a kidney patient but in the meanwhile her mother has expired. He further submits that the son of the petitioner has filed an application for payment of maintenance against the opposite party in Jajpur.

4. Mr. D.K. Sahoo, learned counsel for the opposite party opposes the prayer for transfer submitting that after the birth of the son, the petitioner has willfully left the matrimonial house without any cause and he further submits that the educational expenses of their son is being borne by the father of the opposite party and the boy is staying in the hostel in Saraswati Bidyamandir, Batiropatna in Jajpur. He further submits that it will be inconvenient for the opposite party to attend the case if it is transferred to Jajpur.

5. Considering the submissions of the counsels and that in matrimonial cases the convenience of the wife is given more importance, the prayer for transfer is allowed. The learned Judge, Family Court, Dhenkanal is directed to transfer the records of C.P. No. 32 of 2022 (Vivekananda Pati vrs. Sasmita Panda) to the Court of the learned Judge, Family Court, Jajpur by 29.09.2022. The parties undertake to appear in the Court of learned Judge, Family Court, Jajpur on 14.10.2022. In order to mitigate the inconvenience which will be faced by the opposite party who has to come from Dhenkanal, the learned Judge, Family Court, Jajpur shall do well to post the cases which are pending between the parties in that Court on the same date. Both the parties shall undertake to cooperate for expeditious disposal of the proceeding.

6. The TRP(C) is disposed of with the aforesaid observations.

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

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

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(Savitri.Ratho)
Judge

