

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 249 of 2022

Subhashree @ Subhasree Tripathy

.....

Petitioner

Mr. B. Pradhan, Adv.

Vs.

Saroj Kumar Tripathy

.....

Opposite Party

CORAM:

JUSTICE SAVITRI RATHO

ORDER

21.07.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. B. Pradhan, learned counsel for the petitioner.

3. This application under Section 24 of the C.P.C. has been filed by the petitioner-wife praying for transfer of Civil Proceeding No.31 of 2022 filed by the opposite party-husband under Section 9 of the Hindu Marriage Act, in the Court of the learned Judge, Family Court, Berhampur to the Court of the learned Judge, Family Court, Bhubaneswar or in the alternative to the Court of the Judge, Family Court, Cuttack.

4. Mr. Pradhan, learned counsel for the petitioner -wife submits that the petitioner has appeared through counsel in the case on 20.06.2022 and now the case is posted to 02.08.2022 for filing of objection and conciliation. He further submits that the wife will file her objection on 02.08.202 and direction may be passed for early disposal of the proceeding.

5. 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 on each date at Berhampur and the delay in disposal of the case if it is directed to be transferred to Bhubaneswar, instead of directing for transfer of the Civil Proceeding to Bhubaneswar 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 C.P. No. 31 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, Berhampur 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 Judge Family Court shall finally dispose of the Civil Proceeding No. 31 of 2022 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 Judge, Family Court, Berhampur shall first make effort for conciliation fixing a suitable date for appearance of both the parties giving enough notice. In the event, the conciliation process does not succeed or the parties do not cooperate, the learned Judge, Family Court, Berhampur 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 Berhampur and she expresses her intention to appear personally, the opp. party is directed to deposit a sum of Rs.3,500/- (rupees three thousand five hundred) only at least

one week prior to the date of positing of the proceeding towards expenses for her travel and stay at Berhampur and the said amount shall be released in favour of the petitioner in case she personally appears in the case on such date. In case of her non appearance, the amount will be refunded to the opp. party.

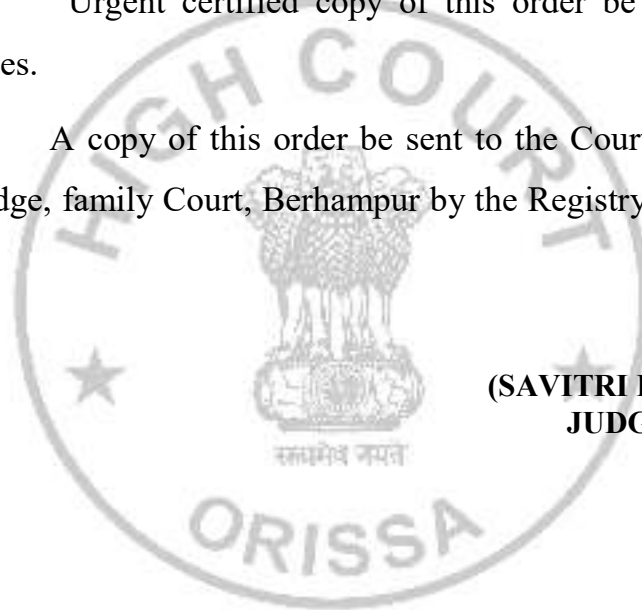
6. The TRP(C) is disposed of with the aforesaid directions.

7. 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.

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

9. A copy of this order be sent to the Court of the learned Judge, family Court, Berhampur by the Registry, at the earliest.

Sukanta



(SAVITRI RATHO)
JUDGE