

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.254 of 2022

Manini Biswal

.... *Petitioner*
Mr.P.K.Sahoo, Advocate

Versus

Himanshu Pradhan

.... *Opp. Party*

CORAM:
JUSTICE SAVITRI RATHO

ORDER
22.07.2022

Order No.

01. This matter is taken up by hybrid mode.
2. Heard Mr. P.K.Sahoo, learned counsel for the petitioner.
3. This application has been filed by the petitioner-wife under Section 24 of C.P.C. for transfer of Civil Proceeding No.101 of 2022 filed by the opp. party-husband under Section-13 (1) (i) of the Hindu Marriage Act, 1955 in the Court of learned Judge, Family Court (P) at Rourkela, to the Court of learned Judge, Family Court, Cuttack.
4. Learned counsel for the petitioner submits that the marriage between the parties had been solemnized in the year, 2017. Thereafter, due to demand for dowry, the petitioner was harassed and assaulted and finally driven out from the house, for which she had come to Cuttack and is residing with her uncle (father's elder brother). It is stated that the petitioner has moved to her uncle's house after death of her father in July, 2021 and since then, she is living with her uncle (father's elder brother) in Cuttack and is dependent on him. He further submits that the petitioner is undergoing PGDCA course in Cuttack, which is financed by her uncle. As the opp. party-husband is not paying any maintenance, she has filed an application vide Criminal Proceeding No.88 of 2022 under Section 125 Cr.P.C. for maintenance, which is pending in the Court of learned Judge, Family Court, Cuttack, wherein notice was issued to the

opp. party and the date of appearance is fixed to 25.7.2022. She has also lodged an F.I.R. leading to registration of Mahulpada P.S. Case No.32 of 2022.

5. Considering the fact that the petitioner is an unemployed woman and she has no independent source of income and is dependent on her uncle, who is residing in Cuttack and the distance between Cuttack and Rourkela is more than 500 K.Ms, it would be in the interest of justice if the Civil Proceeding No.101 of 2022 is transferred from the Court of learned Judge, Family Court, Rourkela to the Court of learned Judge, Family Court, Cuttack.

6. The learned Judge, Family Court, Rourkela is requested to send the record of C.P.No.101 of 2022 to the Court of learned Judge, Family Court, Cuttack by 08.08.2022. The parties are directed to appear in the Court of the learned Judge, Family Court, Cuttack on 29.08.2022. In case the opp. party does not appear on 29.08.2022, the learned Judge, Family Court, Cuttack is directed to issue notice to the opp. party for his appearance. The petitioner is directed to file requisites by 29.07.2022 for communication of this order to the opp. party through Speed Post with A.D. Both parties shall cooperate for early disposal of the case.

7. The TRP (C) is accordingly disposed of.

8. 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.

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

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Savitri Ratho
Judge

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