

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.255 of 2017

Puspa Rekha Barik

....

Petitioner

Ms.Samantaray, Advocate
on behalf of Mr.Biswajit Nayak, Advocate

Versus

Rajani Kant Barik

....

Opposite Party
None

CORAM:
JUSTICE SAVITRI RATHO

ORDER
22.09.2022

Order No.

07.

(Through hybrid mode)

1. This application has been filed by the petitioner-wife under Section 24 of C.P.C. for transfer of C.P.No.151 of 2017 filed by the opposite party-husband under Section 13 (i) of the Hindu Marriage Act in the Court of learned Judge, Family Court, Rourkela, to the Court of learned Civil Judge (Senior Division), Sundargarh.
2. Though Mr. Abani Kanta Mohanty, learned counsel has filed Vakalatnama on behalf of opposite party, he had not appeared on the last date, i.e., 15.09.2022 for which the case has been adjourned to today (22.09.2022) to afford another opportunity to him. But none appears for the opposite party today when the matter is called. The matter is taken up in the absence of counsel for the opposite party.
3. On 15.09.2022, the report dated 8.8.2022 of the learned Judge, Family Court, Rourkela had been perused from which it is apparent that the case was posted to 08.09.2022 in the said Court for filing of written statement of Respondent.

4. Ms.Samantaray, learned counsel appearing on behalf Mr. Biswajit Nayak, learned counsel for the petitioner submits that the petitioner is presently staying with her parents in Sundargarh after being driven out from the house of the opposite party since 20.06.2017. She further submits that the distance between Sundargarh and Rourkela is about 100 K.Ms. The opposite party is working as Assistant Manager in Vedanta Ltd., at Jharsuguda and the distance between Jharsuguda and Sundargarh is about 30 K.Ms, so he should not face any inconvenience for going to Sundargarh, if the Civil Proceeding is transferred to Sundargarh.
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.151 of 2017 is allowed.
6. The learned Judge, Family Court, Rourkela is requested to transmit the records of C.P.No.151 of 2017 (***Rajani Kant Barik v. Puspa Rekha Barik***) to the Court of learned Civil Judge (Senior Division), Sundargarh by 13.10.2022. The learned Civil Judge (Senior Division), Sundargarh shall issue notice to the parties for their appearance in the C.P.No.151 of 2017. Both parties shall 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, Rourkela for compliance.
9. Urgent certified copy of this order be granted as per rules.

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Savitri Ratho
Judge