

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.263 of 2022

Anita Gouda

....

Petitioner

-versus-

Durbasa Karuan

....

Opposite Party

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

09.12.2022

Order No

05.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. R.K. Routray, learned counsel for the Petitioner and Mr. R.N. Prusty, learned counsel appearing for the Opp. Party.

3. This transfer petition has been filed seeking transfer of MAT Case No. 52 of 2021 pending in the Court of the learned Civil Judge (Sr. Division), Nuapada to the Court of learned Civil Judge (Sr. Division), 1st Court, Bargarh.

4. It is contended by learned counsel for the Petitioner that the Petitioner-wife is serving as a Forester and at present she is continuing at Padampur. The Petitioner has also got a minor child, who is prosecuting her study at Padampur. Accordingly, it is contended that taking into account the distance involved and the place of service of the Petitioner, she is not in a position to take part in the proceeding filed by the Opp. Party-husband before the learned Civil Judge (Sr. Division), Nuapada in MAT Case No. 52 of 2021 under Sec. 13 of the Hindu Marriage Act, 1955.

5. Mr. Prusty, learned counsel for the Opp. Party on the other hand submitted that the Opp. Party is also serving as a Forester and at present he is serving at Dharmabandha in the district of Nuapada. Learned counsel for the Opp. Party also contended that since the Petitioner's family is residing at Bargarh, there is threat on the life and property of the husband for his appearance at Bargarh. If the Opp. Party will be given protection for his appearance at Bargarh, he has no objection for transfer of the matter.

6. Having heard learned counsel for the Parties and taking into account the grounds taken in the transfer petition as well as the decisions governing the field, this Court is inclined to allow the prayer as made in the transfer petition. Accordingly, this Court directs learned Civil Judge (Sr. Division), Nuapada to transfer MAT Case No. 52 of 2021 to Court of learned Judge, Family Court, Bargarh forthwith on receipt of this order.

7. However, it is observed that if the Opp. Party-husband at any point of time makes any application before the local police seeking protection for his appearance before the learned Judge, Family Court at Bargarh, the concerned local police shall take appropriate steps and provide the protection as deem just and proper.

8. The transfer petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha