

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.266 of 2022

Shibangi Choudhury

.... ***Petitioner***
Mr.B.R.Mohanty, Advocate

Versus

Soubhagya Nayak

.... ***Opp. Party***

CORAM:

JUSTICE SAVITRI RATHO

ORDER
09.09.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. This application under Section 24 of Cr.P.C. has been filed by the petitioner-wife for transfer of C.P. Case No.69 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, Dhenkanal, to the Court of learned Judge, Family Court, Cuttack.
3. Learned counsel for the petitioner submits that the address indicated in the notice and the postal envelope is the address given by opp. party in the Civil Proceeding petition filed by him in the learned Court below, but notice been returned unserved with the noting "Insufficient address".
4. In view of the nature of proceeding under Section 9 of the Hindu Marriage Act, instead of directing the learned counsel for the petitioner to take fresh step for issuance of notice on the opp.party, it is thought fit to dispose of the transfer application with suitable

directions to mitigate inconvenience which will be caused to the petitioner if she has to go to Dhenkanal to contest the case.

5. Mr. Mohanty, learned counsel for the petitioner submits that the marriage of the parties had been solemnized on 08.02.2019 after which they were staying at Singrauli, Madhya Pradesh for some time, where the opp. party was working as Senior Executive Engineer in Singrauli Reliance Coal Mines and though the father of the petitioner had given sufficient gifts to them at the time of marriage, but the opp. party and his family members demanded more and more money from the petitioner and when their demanded were unfulfilled, they started torture her and ultimately sent her to father's house during the Covid pandemic in the year 2020 and since then she is residing in her father's house at village Palda in the District of Cuttack which is at a distance of about 60 Kms.

6. In view of the nature of the proceeding under Section-9 of the Hindu Marriage Act, and the resultant delay in disposal of the proceeding, if it is directed to be transferred, I do not think it is necessary to transfer the case from the Court of the learned Judge, Family Court, Dhenkanal to the Court of the learned Judge, Family Court, Cuttack. However, in view of the inconvenience which will be faced by the petitioner, if she is compelled to personally appear in the case on each date at Dhenkanal, I am of the view that interest of justice will be served if the petitioner is permitted to file her response in C.P. Case No.69 of 2022 (if not already filed) by way of an affidavit (alongwith an extra copy for the other side) and a copy of this order, through her counsel or send it through Registered Post with A.D. addressed to the learned Judge, Family Court, Dhenkanal 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 shall finally dispose of the C.P. Case No.69 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, Dhenkanal shall first make effort for conciliation fixing a suitable date for appearance of both the parties giving enough notice to the petitioner. In the event, the conciliation process does not succeed or the parties do not cooperate, the learned Judge, Family Court, Dhenkanal 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 personal appearance of the petitioner-wife. In the event the petitioner expresses her intention to appear personally on any date and files an application for payment of travel expenses, the learned Court will consider the same and direct the husband to deposit an appropriate amount which shall be released in favour of the petitioner-wife. In case of her non appearance, the amount will be refunded to the opp. party.

7. The TRP(C) is disposed of with the aforesaid directions.
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, Dhenkanal by the Registry, at the earliest.

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Savitri Ratho
Judge

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