

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 271 of 2022

Sonam Salia Das

.....

Petitioner

Mr. Ashok Kumar Sahoo, Adv.

Vs.

Prabhat Kumar Sahoo

.....

Opposite Party

CORAM:

JUSTICE SAVITRI RATHO

ORDER

08.08.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. This application under Section 24 of the C.P.C. has been filed by the petitioner-wife for transfer of Civil Proceeding No. 102 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, Jajpur, to the Court of learned Judge, Family Court, Nayagarh.

3. Mr.Sahoo, learned counsel for the petitioner-wife submits that the marriage of the parties was solemnized on 08.07.2016, but due to ill-treatment and torture the petitioner is presenting residing with her father in village Narendrapur in the District of Nayagarh along with her minor daughter who is studying in Class-II in St. Xavier's School at Raj Sunakhala in the District of Nayagarh. As the opposite party is not paying them anything towards their maintenance, she has filed CRLMP No. 133 of 2022 under Section 125 Cr.P.C. in the Court of learned Judge, Family Court, Nayagarh. In view of the distance between Nayagarh and Jajpur which is about 250 km. (inadvertently mentioned as 380 km. in the petition) and poor

financial condition of the petitioner, it would be inconvenient for her to go to Jajpur to contest the said case.

4. In view of the nature of the proceeding under Section-9 of the Hindu Marriage Act, and the delay in disposal of the case 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, Jajpur, to the Court of learned Judge, Family Court, Nayagarh. 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 Jajpur, I am of the view that interest of justice will be served if the petitioner is permitted to file her response in Civil Proceeding No. 102 of 2022 (if not already filed) by way of an affidavit (alongwith an extra copy for the other side) through her counsel or sent through Speed Post with A.D or Registered Post with A.D. addressed to the learned Judge, Family Court, Jajpur giving her contact number therein within a period of three weeks from today. In case she agrees to join the company of the opp. party, the learned Judge shall finally dispose of the Civil Proceeding No. 102 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, Jajpur 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, Jajpur shall conclude the proceeding as expeditiously as possible preferably within one or two dates from the date of failure of the

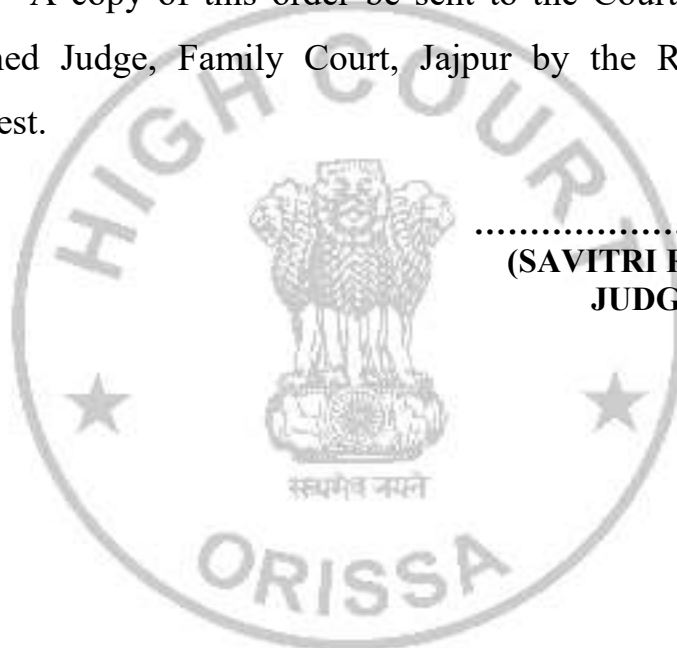
conciliation, if any, without insisting on the appearance of the wife. In the event the petitioner expresses her intention to appear personally and also files an application for payment of travel expenses, the learned Court will consider the same and direct the husband to deposit an appropriate amount 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.

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

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

7. A copy of this order be sent to the Court of the learned learned Judge, Family Court, Jajpur by the Registry, at the earliest.

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(SAVITRI RATHO)
JUDGE