

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRPCRL No.59 of 2022

Biswa Prakash Senapati **Petitioner**

-versus-

Swarnaprava Panda **Opposite Party**

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
22.12.2022

Order No

- 09.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. T.K. Mishra, learned counsel for the Petitioner and Mr. Arijeet Mishra, learned counsel appearing for the Opp. Party.
3. This transfer petition has been filed seeking transfer of CRP No. 114 of 2022 pending in the Court of learned Judge, Family Court, Bhubaneswar to the Court of learned Judge, Family Court, Rourkela.
4. It is fairly admitted by the learned counsel appearing for the Parties that the issue in between the Parties has been decided and settled before the mediation centre and the said compromise is available in the mediation report produced before this Court by the Mediator vide letter dtd.08.12.2022.
5. Mr. A. Mishra, learned counsel for the Opp. Party-wife submitted that even though the permanent alimony has been settled and it has been agreed to file a petition under Sec. 13(B) at Rourkela by both the Parties, but the Opp. Party-wife since apprehending danger to her life, if that condition will be modified then the Opp. Party has no grievance with regard to the other conditions arrived at before the mediation.

6. Mr. T.K. Mishra, learned counsel appearing for the Petitioner fairly submitted that he has no objection if the proceeding under Sec. 13(B) will be initiated at Bhubaneswar.

7. In view of such submission made by the learned counsel appearing for the Parties, this Court while disposing the matter, directs the Parties to file the petition under Sec. 13(B) before the learned Judge, Family Court at Bhubaneswar with having the competent jurisdiction on 18th January, 2023.

8. It is observed that out of the settled permanent alimony of Rs.10,00,000/- (Rupees ten lakhs), on the date of filing of the petition under Sec. 13(B), the Petitioner-husband will pay a sum of Rs.5,00,000/- (Rupees five lakhs) by way of demand draft drawn in favour of the wife-Opp. Party. This Court however directs learned Judge, Family Court, Bhubaneswar to dispose of the proceeding so initiated under Sec. 13-B of the Hindu Marriage Act by the end of March 2023. On the date the proceeding will be disposed of, the Petitioner-husband will pay the balance permanent alimony amount of Rs.5,00,000/- (Rupees five lakhs) also by way of demand draft drawn in favour of the Opp. Party.

9. In view of the same the Opp. Party also submitted that she will not press the application in CRP No. 114 of 2022 pending before the learned Judge, Family Court, Bhubaneswar and she will take step to withdraw the same by filing appropriate application after filing of the 13-B application on 18.01.2023.

10. The transfer petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha