

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.279 of 2022

Samir Ranjan Behura

.... ***Petitioner***
Mr.A.K.Subudhi, Advocate

Versus

A.Sutasmita Patra

.... ***Opposite Party***
Mr.P.C.Dash, Advocate

CORAM:
JUSTICE SAVITRI RATHO

ORDER
21.09.2022

Order No.
03.

(Through hybrid mode)

1. Heard Mr.Subudhi, learned counsel for the petitioner and Mr.Dash, learned counsel for the opposite party.
2. This application has been filed by the petitioner-husband under Section 24 of C.P.C. for transfer of MAT Case No.37 of 2021 filed by the opposite party-wife under Section 10 and 25 of the Hindu Marriage Act, 1955 read with Section 18 of Hindu Adoption and Maintenance Act, 1956 in the Court of learned Civil Judge (Senior Division), Bhanjanagar, to the Court of learned Judge, Family Court, Bhubaneswar.
3. Mr.P.C.Das, learned counsel for the opposite party has filed the counter affidavit and in paragraph-6.1 of the counter affidavit, it has been stated that pursuant to order passed in TRP (C) No.381 of 2021, TRP (C) No.383 of 2021 and TRP (C) No.69 of 2022, C.P. No.484 of 2021, C.P. No.367 of 2021 and C.P.No.1097 of 2021 have been transferred to the Court of the learned Judge, Family Court,

Berhampur. Hence, it would be convenient for both the parties, if MAT Case No.37 of 2021 is also transferred to the Court of learned Judge, Family Court, Berhampur instead of Bhubaneswar.

4. 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, and as three other Civil Proceedings have already been transferred to Berhampur, the MAT Case No.37 of 2021 is directed to be transferred to the Court of the learned Judge, Family Court, Berhampur.

5. The learned Civil Judge (Senior Division), Bhanjanagar is requested to transmit the records of MAT Case No.37 of 2021 (***Smt. A.Sutasmita Patra vs. Samir Ranjan Behura***), to the Court of learned Judge, Family Court, Berhampur by 12.10.2022. The parties undertake to appear in the Court of the learned Judge, Family Court, Berhampur on 21.10.2022. Both parties shall cooperate for early disposal of the case.

6. The TRP (C) is accordingly disposed of.

7. Registry is directed to send a copy of this order to the Court of learned Civil Judge (Senior Division), Bhanjanagar for compliance.

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

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Savitri Ratho
Judge

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