

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.282 of 2022

Sandhya Rani Sahoo

....

Petitioner

Mr.Abhilash Mishra, Advocate

Versus

Chandrasekhar Sahoo

....

Opposite Party

Mr.S.K.Gadanayak, Advocate

CORAM:

JUSTICE SAVITRI RATHO

ORDER

19.10.2022

Order No.

04.

(Through hybrid mode)

1. This application has been filed by the petitioner-wife under Section 24 of C.P.C. for transfer of MAT Case No.21 of 2022 filed by the opposite party-husband under Section 13 of the Hindu Marriage Act in the Court of learned Civil Judge (Senior Division), Kamakhyanagar, to the Court of learned Judge, Family Court, Cuttack.

2. Mr. Mishra, learned counsel for the petitioner submits that the marriage of the parties had been solemnized on 30.06.2015 and thereafter dissension arose between the parties. The father of the petitioner fell ill, shifted to Cuttack for his treatment and his entire family members including the petitioner shifted to Cuttack and stayed in a rented house. As the petitioner has no independent source of income and is dependent on her father, it is difficult for her to attend the Court at Kamakhyanagar which is about 82 K.Ms. from Cuttack. She also apprehends criminal intimidation if she goes to Kamakhyanagar. He relies on the decision of the

Supreme Court in the case of *N.C.V. Aishwarya vs A.S.Saravana Karthik Sha* in (*Civil Appeal No.4894 of 2022 arising out of SLP (C) No.16465 of 2021* decided on 18.7.2022).

3. Mr. S.K.Gadanayak, learned counsel for the opposite party has filed an objection and opposes the prayer for transfer submitting that the father of the petitioner is serving as Hindi Teacher in Lahada High School in Dhenkanal District and the medical documents filed with the TRP (C) application relate to an operation which took place about 4 years back. The father of the petitioner is now fit and is presently staying in Dhenkanal and regularly going to the school in Dhenkanal where he is serving. As both parties are staying in Dhenkanal District, there is no necessity to transfer the case to Cuttack. When father of the petitioner is discharging his duties as a teacher in Dhenkanal, he can easily go to Cuttack for his treatment and also accompany the petitioner to the Court in Kamakhyanagar if required to do so. He further submits that the opposite party will face inconvenience if the MAT case is transferred to Cuttack.

4. Considering the above submissions and balancing the convenience of both the parties, instead of transferring the case to Cuttack, I am satisfied that it will be expedient in the interest of justice if the MAT case No.21 of 2022 is transferred to the Court of learned Judge, Family Court, Dhenkanal.

5. The learned Civil Judge (Senior Division), Kamakhyanagar is directed to transfer the records of MAT Case No.21 of 2022

(Chandra Sekhar Sahoo vrs. Sandhya Rani Sahoo), to the Court of the learned Judge, Family Court, Dhenkanal by 09.11.2022. The parties undertake to appear in the Court of learned Judge, Family Court, Dhenkanal on 14.11.2022 and co-operate for expeditious disposal of the proceedings.

6. The learned Judge, Family Court, Dhenkanal is directed to dispose of the aforesaid MAT Case expeditiously.

7. The TRP(C) is accordingly disposed of with the aforesaid observations.

8. Urgent certified copy be granted on proper application.

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

.....
(Savitri Ratho)
Judge

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