

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 293 of 2022

Supriya Tripathy @ Dash

.....

Petitioner

Mr. S.S. Chaini, Adv.

Vs.

Jyoti Prakash Tripathy

.....

Opposite Party

CORAM:

JUSTICE SAVITRI RATHO

ORDER

24.08.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. S.S. Chaini, learned counsel for the petitioner.

3. In this application under Section 24 read with Section 151 of the C.P.C., the petitioner-wife has prayed for transfer of Civil Proceeding Case No.97 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, Sambalpur, to the Court of the learned Judge, Family Court, Bargarh.

4. Mr. Chaini, learned counsel for the petitioner-wife submits that marriage of the petitioner and opp. party has been solemnized on 26.04.2019 at Bargarh. He further submits that the petitioner is staying with her parents along with her two year old daughter in Bargarh and as the petitioner has no source of income, she is totally dependent on her father for which it will be inconvenient for her to go to Sambalpur.

5. 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, Sambalpur to the Court of the learned Judge, Family Court, Bargarh. 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 Sambalpur, I am of the view that interest of justice will be served if the petitioner is permitted to file her response in Civil Proceeding Case No.97 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 in the Family Court at Sambalpur or sent through Speed Post with A.D or Registered Post with A.D. addressed to the Judge, Family Court, Sambalpur 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 Case No.97 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, Sambalpur 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, Sambalpur 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 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.

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

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

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

Sukanta

**(SAVITRI RATHO)
JUDGE**

