

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.295 of 2022

Sabana Begum

....

Petitioner

Mr. Durga Prasad Jena, Advocate

Versus

Sk. Abdul Israr

....

Opposite Party

Mr. R.C. Moharana, Advocate

CORAM:

JUSTICE SAVITRI RATHO

ORDER

12.10.2022

Order No.

03.

(Through hybrid mode)

1. Heard Mr. Durga Prasad Jena, learned counsel for the petitioner.
2. This transfer petition under Section 24 of C.P.C. has been filed by the petitioner-wife for transfer of C.P. Case No. 373 of 2022 filed by the opposite party-husband under Section 307 of Mulla's Principles of Mohammedan Law for dissolution of marriage, in the Court of learned Judge, Family Court, Balasore, to the Court of learned Judge, Family Court, Cuttack.
3. Mr. Durga Prasad Jena, learned counsel for the petitioner submits that the marriage of the parties was solemnized on 18.06.2020 at Cuttack as per Muslim rites and customs and they have a daughter. Unable to tolerate the ill-treatment, she was compelled to leave her matrimonial house and she is now residing in her parental house in Cuttack, with her daughter who is aged about four months. As Balasore is more than 100 kms. from Cuttack and there is no male member in her family to accompany her to Balasore, it would be inconvenient for her to go Balasore along with her daughter to contest the case on each date the case is posted to. He further submits that the

petitioner-wife has filed D.V. Misc. Case No. 146 of 2022 before the learned J.M.F.C. (City), Cuttack.

4. Mr. R.C. Moharana, learned counsel for the opposite party submits that he has no objection if C.P. Case No. 373 of 2022 is transferred to the Court of learned Judge, Family Court, Cuttack but submits as the petitioner will have to come from Balasore he will face some inconvenience, for which direction may be issued for expeditious disposal of the proceeding.

5. Considering the submissions of the counsels and as it is the settled position of law that in matrimonial cases, the convenience of the wife is to be given more importance, the prayer for transfer is allowed. The learned Judge, Family Court, Balasore is directed to transfer the records of C.P. Case No. 373 of 2022 (***Sk. Abdul Israr vs. Sabana Begum***) to the Court of the learned Judge, Family Court, Cuttack by 28.11.2022. The parties undertake to appear in the Court of the learned Judge, Family Court, Cuttack on 09.11.2022. In order to mitigate the inconvenience which will be faced by the opposite party who has to come from Balasore, the learned Judge, Family Court, Cuttack is requested to dispose of the proceeding expeditiously and not to grant unnecessary adjournments in the case.

6. The TRP(C) is allowed with the aforesaid observations.

7. Registry is directed to send a copy of this order to the Court of learned Judge, Family Court, Balasore forthwith for compliance.

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

.....
(***Savitri Ratho***)
Judge

