

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 296 of 2022

Deepanjali Behera

.....

Petitioner
Mr. A. Baral, Adv.

Vs.

Dinesh Kumar Samal

.....

Opposite party

CORAM:

JUSTICE SAVITRI RATHO

ORDER

29.08.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. A. Baral, learned counsel for the petitioner.

3. In this application under Section 24 of the C.P.C., the petitioner-wife has prayed for transfer of MAT Case No.11 of 2022 filed by the opposite party-husband under Section 9 of the Hindu Marriage Act, in the Court of the learned Civil Judge (Senior Division), Hindol to the Court of the learned Judge, Family Court, Cuttack.

4. Mr. Baral, learned counsel for the petitioner-wife submits that marriage of the petitioner and opp. party has been solemnized on 08.07.2020 and after the marriage, they resided in the house of the opp. party for 12 days and thereafter, both came to Cuttack to the service place of the petitioner. He further submits that prior to marriage, the petitioner was working as a contractual Nursing Staff in Sishu Bhawan, Cuttack. She is continuing to serve in Sishu Bhawan and she is residing at a rented house at Chandinichowk, Cuttack. The distance between Hindol and Cuttack is more than 90 kms. As the opposite party has threatened her with dire consequences if she goes to Hindol, apart from being difficult and inconvenient for her to Hindol,

she is also apprehensive to attend the case at Hindol.

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 Civil Judge (Senior Division), Hindol to the Court of the learned Judge, Family Court, Cuttack. 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 Hindol, I am of the view that interest of justice will be served if the petitioner is permitted to file her response in MAT Case No.11 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 or sent through Registered Post with A.D. addressed to the Registrar, Civil Court, Hindol giving her contact number therein within a period of four weeks from today. In case she agrees to join the company of the opp. party, the learned Judge shall finally dispose of the MAT Case No.11 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 Civil Judge (Senior Division), Hindol 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 Civil Judge (Senior Division), Hindol 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 personal 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 Civil Judge (Senior Division), Hindol by the Registry, at the earliest.

Sukanta

(SAVITRI RATHO)
JUDGE

