

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 307 of 2022

Madhupriya Sasmal @ Sahoo

.....

Petitioner

Mr. P.K. Mishra, Adv.

Vs.

Sibaram Sahoo

.....

Opposite Party

CORAM:

JUSTICE SAVITRI RATHO

ORDER

25.08.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. Heard Mr. P.K. Mishra, 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 Civil Suit (Matrimonial) No. 1 of 2022/ C.P. (MAT) Case No.1 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, Balangir, to the Court of the learned Judge, Family Court, Rourkela.

4. Mr. Mishra, learned counsel for the petitioner-wife submits that on account of ill-treatment by the opp. party and his family members, the petitioner is staying in Rourkela with her parents along with her one year old daughter and as she has no source of income, she is totally dependent on her father. He further submits that the distance between Balangir and Rourkela is about 300 kms. so it would therefore be inconvenient for her to go to Balangir to contest the case.

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, Balangir to the Court of the learned Judge, Family Court, Rourkela. 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 Balangir, I am of the view that interest of justice will be served if the petitioner is permitted to file her response in Civil Suit (Matrimonial) No. 1 of 2022/ C.P. (MAT) Case No.1 (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 send it through Registered Post with A.D. addressed to the Judge, Family Court, Balangir 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 Suit (Matrimonial) No. 1 of 2022/ C.P. (MAT) Case No.1 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, Balangir 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, Balangir 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 in the case and also 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, Balangir by the Registry, at the earliest.

Sukanta

**(SAVITRI RATHO)
JUDGE**

