

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) NO.317 OF 2022

Bishnupriya Samal

.... ***Petitioner***
Mr.P.S. Nayak, Advocate

-versus-

Jitendra Bal

.... ***Opposite Party***

.....

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
02.11.2022**

TRP(C) NO. 317 OF 2022

&

I.A. NO.359 OF 2022

Order No.

03.

1. This matter is taken up through hybrid arrangement (virtual/ physical) mode.
2. This application under section-24 of the Code of Civil Procedure has been filed by this Petitioner (wife) seeking transfer of Civil Proceeding No.100 of 2022 filed by the Opposite Party (husband), pending before the learned Judge, Family Court, Bhubaneswar to the Jurisdictional Court at Jajpur.
3. Heard learned Counsel for the Petitioner(wife). None appears on behalf of the Opposite Party (husband) despite service of notice and opportunity.
4. Keeping in view the submission made; the averments taken in the Application with the documents annexed being gone through; it is seen that the Opposite Party has initiated a proceeding seeking dissolution of his marriage with the Petitioner before the learned Judge, Family Court, Bhubaneswar. This Petitioner has in the meantime, lodged an F.I.R. against the Opposite Party alleging the commission of offence under section-498-A of the IPC and other offences and another proceeding under the provisions of PWDV Act has also been initiated before the Court at Jajpur. This Petitioner is

said to be having no independent source of income and is now depending upon her parents; whereas it is said that the Opposite party is working as an Officer in a Private Insurance Company. The Petitioner in order to defend the divorce proceeding thus has to come to Bhubaneswar and for the impediments as stated which stand on her way, it may so happen that the proceeding may go undefended.

5. Considering the submissions made and on going through the averments taken in the Application, further taking into account the social strata of the parties and their behavioural pattern, standard of life and the circumstances of both the parties in eking out their livelihood; in the prevailing socio-economic paradigm in the society; this Court hereby orders that the Civil Proceeding No.100 of 2022 pending before the learned Judge, Family Court, Bhubaneswar shall stand transferred to the Jurisdictional Court at Jajpur. Accordingly, it is directed that the record of the said proceeding be transmitted to the Jurisdictional Court at Jajpur at an early date not later than 08.12.2022 for its disposal in accordance with law within a period of one (1) year from the date of appearance of the parties.

5. Learned Counsels are requested to instruct their respective parties to enter appearance before the Jurisdictional Court at Jajpur in the aforesaid Civil Proceeding on 18.12.2022 to receive further instruction and cooperate for its further progress and disposal within the time frame in accordance with law.

6. The TRP(C) and I.A. are accordingly disposed of. A copy of the order be communicated to both the Courts for necessary actions at their end.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**