

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.155 of 2020

Sukhada Tripathy

....

Petitioner

-versus-

Debasish Mishra

....

Opposite Party

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
17.11.2022

Order No

05.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. S.S. Parida, learned counsel for the Petitioner.
3. On the oral prayer made by the learned counsel for the Petitioner, he is permitted to make necessary correction in the cause title.
4. In spite of due service of notice, nobody has entered appearance on behalf of the Opp. Party. Therefore, this Court taking into account the materials available on record is inclined to consider the prayer as made in the transfer Petition.
5. It is contended that the Petitioner is the wife and the proceeding in C.P. No. 427 of 2020 has been filed by the Opp. Party in the Court of learned Judge, Family Court at Bhubaneswar under Section 13 of the Hindu Marriage Act.
6. Since the Petitioner is residing at Keonjhar, it is not convenient on her part to attend the Court at Bhubaneswar. It is also contended

that the Opp. Party has already entered appearance in the Court of learned Judge, Family Court, Keonjhar in Criminal Proceeding No. 59 of 2020, which has been filed by the present Petitioner under Section 125 of the Code of Criminal Procedure.

7. Since the Opp. Party has already entered appearance and prosecuting the matter in Criminal Proceeding No. 59 of 2020 in the Court of learned Judge, Family Court, Keonjhar, the prayer made by the Petitioner for transfer of C.P. No. 427 of 2020 is required to be allowed. Accordingly, while allowing the said prayer, this Court directs the learned Family Judge, Bhubaneswar to transfer the proceeding in C.P. Case No. 427 of 2020 to the Court of learned Judge, Family Court, Keonjhar on receipt of this order.

8. The transfer Petition is accordingly disposed of.

Sneha

(Biraja Prasanna Satapathy)
Judge