

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.334 of 2022

Priyanka Behera

....

Petitioner

-versus-

Ajit Behera

....

Opposite Party

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

02.12.2022

Order No

04.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Pursuant to the order passed by this Court on 17.11.2022 the Opp. Party along with his counsel and learned counsel for the Petitioner are present before this Court.

3. Mr. G.K. Nayak, learned counsel for the Petitioner at the outset submitted that since in the meantime and during pendency of the matter, Opp. Party has got married for the second time, the Petitioner is not ready and willing for any settlement and accordingly did not think it proper to appear before this Court.

4. Mr. A. Pattnaik, learned counsel for the Opp. Party as well as the Opp. Party, who is present in Person before this Court did not dispute the submission regarding marriage of the Opp. Party for the second time.

5. It is further contended by the learned counsel for the Petitioner that since the Opp. Party has got married for the second time the prayer of the Petitioner for transfer of the matter in C.P. No. 382 of

2021 filed by the Opp. Party before the learned Judge, Family Court, Bhubaneswar be transferred to the Court of learned Judge, Family Court at Jeypore in the district of Koraput.

6. To the aforesaid submission of the learned counsel for the Petitioner, learned counsel for the Opp. Party submitted that since the Opp. Party is now residing at Bhubaneswar and earning his livelihood by working as a Daily Wager, he will face difficulty in appearing the Court at Jeypore. It is further contended that if the matter in question will be transferred to the Court of learned Judge, Family Court at Rayagada, then the Opp. Party shall appear before the said Court and participate in the proceeding. Learned counsel for the Petitioner-wife did not oppose to such prayer made by the learned counsel appearing for the Opp. Party.

7. Having heard learned counsel for the Parties and taking into account the submissions made as well as the grounds taken for transfer of the proceeding in C.P. No. 382 of 2021, this Court directs learned Family Judge, Bhubaneswar to transfer C.P. No. 382 of 2021 to the Court of learned Judge, Family Court, Rayagada forthwith on receipt of this order. However, it is observed that the Opp. Party shall bear the expenses of the Petitioner for her appearance before the learned Judge, Family Court at Rayagada on each and every date of her appearance. The cost of such appearance shall be assessed by the learned Judge Family Court, Rayagada.

8. The transfer petition is disposed of with the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge

Sneha