

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.336 of 2022

Suvasmita Sahu

....

Petitioner

-versus-

Ranjit Bhattaray

....

Opposite Party

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

16.11.2022

Order No

- 02.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. B.Mohanty, learned counsel appearing for the Petitioner.
3. Even though notice of the Transfer Petition was issued to Opposite Party, but office notes indicates that he has refused to receive the same. Therefore, notice against the Opposite Party is treated as sufficient.
4. This Transfer Petition has been filed seeking transfer of C.P No.196 of 2021 from the Court of the learned Family Judge, Jagatsinghpur to the Court of the learned Family Judge, Bhubaneswar.
5. Learned counsel for the Petitioner contended that the Petitioner is residing with her parents at Bhubaneswar along with her two year minor child and the divorce petition was filed at Jagatsinghpur at the instance of Opposite Party under Section-13 of the Hindu Marriage Act.

6. Learned counsel for the Petitioner also contended that the Petitioner has got no source of income to attend the Court at Jagatsinghpur by carrying her minor child. The petitioner has not only lost her job but also her father in the meantime.

7. Mr. Mohanty, also brought to the notice of this Court, the proceeding initiated by the present Petitioner before the Court of learned Family Judge at Bhubaneswar in C.P. No.619 of 2021 under Section-9 of the Hindu Marriage Act.

8. Mr. Mohanty, learned counsel for the Petitioner in support of his stand also relied on two decisions, one decision rendered by the Hon'ble Apex Court in the case of *N.C.V. Aishwarya vs. A.S.Saravana Karthik Sha* reported in *AIR 2022 SC 4318* and the other decision of this Court in the case of *Anisha Jain vs. Sandeep Jain* reported in *2021 (I) OLR-796*. Placing reliance on the said decisions and the grounds taken in the Transfer Petition, this Court is inclined to allow the prayer for transfer and while allowing the same, directs learned Family Judge, Jagatsinghpur to transfer C.P. No.196 of 2021 to the Court of learned Family Judge, Bhubaneswar.

9. With the aforesaid observations and directions, the Transfer Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat