

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (CRL) No.105 of 2018

Arati Samal

.... **Petitioner**
Mr.G.K.Rath, Advocate

Versus

**1.Sai Sankar Patanaik @ Shyam
Sundar @ Siku
2.Pragyan Laxmi Patanaik
3.Swedeshna Patanaik
4.Sandeep Patanaik**

.... **Opp. Parties**
Mr.H.K.Mahanta, Advocate
(O.Ps.1,3 and 4)

CORAM:
JUSTICE SAVITRI RATHO

Order No.

ORDER
06.07.2022

12. This matter is taken up by hybrid mode.
2. This application has been filed by the petitioner-wife under Section 407 of the CrI.P.C. for transfer of D.V. Misc. Case No.95 of 2017 filed by the petitioner under Section 12 of the Protection of Women from Domestic Violence Act (in short the “DV Act”) in the Court of learned S.D.J.M., Koraput, to the Court of learned S.D.J.M., Hindol.
3. Learned counsel for the petitioner submits that the petitioner was initially residing in the house of the opp. party No.1-husband in Koraput, she had filed an application under Section 12 of the Protection of Women from Domestic Violence Act in the Court of learned S.D.J.M., Koraput. Thereafter, she was driven out from the house of the opp. party No.1 and since then she is staying with her parents at Hindol and as she has no source of income is dependent on her parents, it would

be very difficult and inconvenient on her part to go to Koraput to defend the case. There is nobody who can accompany her to Koraput to conduct the case there for which the D.V. Misc. Case be transferred to Hindol. He further submits that in ABLAPL No.1131 of 2018 filed by the opp. parties, it has been mentioned that they are permanent residents of Balami (which is a typographical error for Balimi) which is in Dhenkanal District and no convenience will be faced by the opp. parties if the case is transferred to Hindol.

4. Learned counsel for the opp. parties submits that since the petitioner herself had filed the case at Koraput, there is no reason for her to transfer the case to Hindol and the opp. parties will face great inconvenience if the case is transferred to Hindol. Perusal of the vakalatnama reveals that the husband-opp. party No.1 resides in Pottangi , Koraput District while the other opp. parties reside in Hyderabad. In TRP(C) No 259 of 2018 filed by the petitioner which is listed today, the prayer for transfer has been allowed and MAT Case No.21 of 2017 has been directed to be transferred to the Court of the learned Judge, Family Court, Dhenkanal from the Court of the learned Civil Judge, Koraput.

5. Considering the submissions advanced and the fact that the petitioner is now staying in Hindol with her parents and it would be inconvenient for her to go to Koraput, prayer for transfer of D.V. Misc. Case No.95 of 2017 is allowed. In view of the fact that MAT Case

No.21 of 2017 has been directed to be transferred to the Court of the learned Judge, Family Court, Dhenkanal , D.V Misc case No. 95 of 2017 is also directed to be transferred to the Court of the learned S.D.J.M., Dhenkanal as that would cause minimum inconvenience to the opp. parties as the opp. party No.1 husband has to come to Court of the learned Family Judge Dhenkanal to contest the DV Misc Case . Let both the parties appear before the Court of learned S.D.J.M., Dhenkanal on 03.08.2022 either in person or through counsel. They shall cooperate for early disposal of the case. The learned S.D.J.M., Dhenkanal, shall however not insist on the personal appearance of the opp. parties unless it is absolutely necessary. Since the matter is pending since 2017, the learned S.D.J.M., Dhenkanal is requested to make all endeavour for expeditious disposal of the case, if possible within a period of six months from the date of receipt of the case record from the Court of learned S.D.J.M., Koraput. The learned SDJM Koraput is requested to send the case records to the Court of the learned SDJM Dhenkanal by 25.07.2022

6. With the aforesaid observations and directions, the TRP (CRL) is disposed of.

7. Urgent certified copy of this order be granted as per rules.

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Savitri Ratho
Judge