

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.170 of 2020

Deepika Nayak @ Samal

....

Petitioner

Mr.B.Rout, Advocate

Versus

Santosh Kumar Nayak

....

Opposite Party

None

CORAM:

JUSTICE SAVITRI RATHO

ORDER

30.09.2022

Order No.

08.

(Through hybrid mode)

1. None appears for the opposite party when the matter is called. None had also appeared on his behalf on 14.09.2022. After admission notice returned un-served with postal endorsement 'Refused', the matter had been listed on 21.09.2022 and none had appeared on behalf of the opposite party on that day. Hence notice on the opp. party is taken to be sufficient and the matter is taken up for final disposal today.

2. This application has been filed by the petitioner-wife under Section 24 of C.P.C. for transfer of C.P. No.306 of 2015 instituted by the opposite party-husband under Section 13 of the Hindu Marriage Act in the Court of the learned Judge, Family Court, Kendrapara, to the Court of learned Judge, Family Court, Cuttack.

3. Report dated 23.09.2022 of the learned Judge, Family Court regarding status of C.P. No.306 of 2015, reveals that the proceeding has not yet been admitted and is posted to 28.10.2022.

4. Learned counsel for the petitioner submits that the marriage of the parties had been solemnized on 11.11.2012 at Chandabali in the district of Bhadrark. Due to ill-treatment by opposite party, the petitioner is now staying with her father in C.D.A., Cuttack in a rented house. Even

though the opposite party is a reputed businessman of Rajkanika, he is not paying anything to the petitioner for her maintenance, for which she has filed Criminal Proceeding No.167 of 2014 in the Court of learned Judge, Family Court, Cuttack and order for payment of interim maintenance has been passed. As one case is pending in Cuttack, it will not be inconvenient for the opposite party to contest C.P. No.306 of 2015, if it is transferred to Cuttack.

5. Considering the above submissions and keeping in mind the settled position of law that convenience of the wife is normally given more weightage in matrimonial cases, the prayer for transfer of C.P. No.306 of 2015 is allowed.

6. The learned Judge, Family Court, Kendrapara, is requested to transmit the records of C.P. No. 306 of 2015 (***Santosh Kumar Nayak v. Deepika Nayak***) to the Court of learned Judge, Family Court, Cuttack by 21.10.2022. The learned Judge, Family Court, Cuttack shall issue notice to the parties for their appearance in the C.P. No.306 of 2015. The learned Judge, Family Court is also requested to post C.P. No. 306 of 2015 and CRP No. 167 of 2014 on the same date if there is no other impediment and dispose of the two cases expeditiously.

7. With the aforesaid observations and directions, the TRP (C) is allowed.

8. Registry is directed to send a copy of this order to the Court of learned Judge, Family Court, Kendrapara for compliance.

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

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(***Savitri Ratho***)
Judge

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