

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 357 of 2022

Preeti Hial @ Kumbhar

.....

Petitioner

Mr. G.N. Sahu, Adv.

Vs.

Kamal Roshan Kumbhar

.....

Opposite party

CORAM:

JUSTICE SAVITRI RATHO

ORDER

21.09.2022

Order No.

01.

(Through hybrid mode)

1. Heard Mr. G.N. Sahu, learned counsel for the petitioner.
2. In this application under Section 24 of the C.P.C., the petitioner-wife has prayed for transfer of MAT Case No.136 of 2022 filed by the opposite party-husband under Section 9 of the Hindu Marriage Act, in the Court of the learned Civil Judge (Senior Division), Patnagarh, to the Court of the learned Judge, Family Court, Bargarh.
3. Mr. Sahu, learned counsel for the petitioner-wife submits that marriage of the petitioner and opp. party has been solemnized on 17.07.2009 and they were blessed with a son who is staying with the petitioner. He further submits that the opp. party harassed and ill-treated the petitioner on account of unfulfilled demand of dowry and has been driven out from the matrimonial house and since then she is staying with her parents at Bargarh. As the opp. party is not paying her any maintenance and she has no independent source of income, she is dependent on her father. As Patnagarh is about 120 kms. away from Bargarh, she will face inconvenient if she has to go to Bargarh. On 29.06.2022 there has been an attempt to kidnap

her son while he was returning from school for which Bargarh P.S. Case No. 0364 of 2022 has been registered against Ashish Kumbhar and four to five others for which she is apprehensive of going to Patnagarh.

4. In view of the nature of the proceeding under Section-9 of the Hindu Marriage Act, and the delay in disposal of the case if it is directed to be transferred, I do not think it is necessary to transfer the case from the Court of the learned Civil Judge (Senior Division), Patnagarh to the Court of the learned Judge, Family Court, Bargarh. However, in view of the inconvenience which will be faced by the petitioner, if she is compelled to personally appear in the case on each date at Patnagarh, I am of the view that interest of justice will be served if the petitioner is permitted to file her response in MAT Case No.136 of 2022 (if not already filed) by way of an affidavit (alongwith an extra copy for the other side) and a copy of this order, through her counsel or sent through Registered Post with A.D. addressed to the Registrar, Civil Court, Patnagarh giving her contact number therein within a period of three weeks from today. In case she agrees to join the company of the opp. party, the learned Judge shall finally dispose of the MAT Case No.136 of 2022 by passing appropriate order within a period of four weeks thereafter. In the event the petitioner is not willing to join the opp. party, the learned Civil Judge (Senior Division), Patnagarh shall first make effort for conciliation fixing a suitable date for appearance of both the parties giving enough notice to the petitioner. In the event, the conciliation process does not succeed or the parties do not cooperate, the learned Civil Judge

(Senior Division), Patnagarh shall conclude the proceeding as expeditiously as possible preferably within one or two dates from the date of failure of the conciliation, if any, without insisting on the personal appearance of the wife. In the event the petitioner expresses her intention to appear personally on any date and files an application for payment of travel expenses, the learned Court will consider the same and direct the husband to deposit an appropriate amount which shall be released in favour of the petitioner-wife. In case of her non appearance, the amount will be refunded to the opp. party.

5. The TRP(C) is disposed of with the aforesaid directions.

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

7. A copy of this order be sent to the Court of the learned Civil Judge (Senior Division), Patnagarh by the Registry, at the earliest.

Sukanta

(SAVITRI RATHO)
JUDGE