

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.316 of 2021

Sudipta Kumari Pradhan ***Petitioner***
Ms.Sulochana Patra, Advocate
on behalf of Mr.K.K.Dash, Advocate

Versus

Rajat Kumar Pradhan ***Opposite Party***
Mr.J.K.Digal, Advocate

CORAM:
JUSTICE SAVITRI RATHO

ORDER
24.09.2022

Order No.
06.

(Through hybrid mode)

1. Perused the report dated 26.07.2022 of the learned Senior Civil Judge-cum-Assistant Sessions Judge, Baliguda wherein it has been stated that the petitioner has been set ex parte on 19.07.2022 as she was absent on calls and no step has been taken on her behalf. On the same date two P.Ws have been examined including the opposite party and the case was posted to 16.08.2022 for further evidence. In view of the interim order passed by this Court, further proceeding have been stayed awaiting further orders from this Court.

2. This application has been filed by the petitioner-wife under Section 24 of C.P.C. for transfer of C.S.No.95 of 2019 filed by the opposite party-husband under Section 13 (i) (ib) of the Hindu Marriage Act in the Court of learned Civil Judge (Senior Division), Baliguda, Kandhamal, to the Court of learned Civil Judge (Senior Division), Bhanjanagar in the district of Ganjam.

3. Ms. Patra, learned counsel for the petitioner submits that the marriage of the parties had been solemnized on 17.08.2017 (which is a typographical error, for 17.8.2006) and the parties have been blessed with two children, a son born on 13.11.2008 and one daughter born on 12.11.2012. Both are studying in DAV School Bhanjanagar. The petitioner is working as a teacher in a Primary School in Bhanjanagar since 2016 and the respondent (opposite party) was staying in Phulbani by opening a hotel since 2018 and since 2018 he has stopped coming to Bhanjanagar. Thereafter to get rid of the petitioner and remarry, he has filed for the divorce proceeding. As the distance between Baliguda and Bhanjanagar is about 110 K.Ms, it is difficult for her to travel to Baliguda to contest the case there for which the case may be transferred.

4. Mr. J.K.Digal, learned counsel for the opposite party opposes the prayer for transfer stating false allegations have been made against the opposite party and that on account of non-appearance of the petitioner in the proceeding, she has been set ex parte and since examination of witnesses has been started, the transfer of the case at this juncture would cause prejudice to the opposite party who has to go to Bhanjanagar to contest the case. He further submits that the petitioner has been working as Sikhya Sahayak since 2011 and Primary School Teacher since 2017 and not 2016, as claimed by her. He further submits that in case this Court transfers the divorce case to Bhanjanagar, direction may be given for expeditious disposal of the case, so that minimum inconvenience is caused to the opposite party, who has to go from Baliguda to Bhanjanagar to contest the case.

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.S.No.95 of 2019 is allowed.

6. The learned Civil Judge (Senior Division), Baliguda, Kandhamal is requested to transmit the records of C.S.No.95 of 2019 (***Rajat Kumar Pradhan v. Sudipta Kumari Pradhan***), to the Court of learned Civil Judge (Senior Division), Bhanjanagar in the district of Ganjam by 13.10.2022. Both parties shall appear before Court of learned Civil Judge (Senior Division), Bhanjanagar on 21.10.2022 and cooperate for expeditious disposal of the case.

7. The TRP (C) is accordingly allowed.

8. Registry is directed to send a copy of this order to the Court of learned Civil Judge (Senior Division), Balliguda, Kandhamal for compliance.

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

.....
Savitri Ratho
Judge

Bichi