

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 338 of 2021

Smt. Rinky Acharya

.....

Petitioner

Mr. Gouri Shankar Das, Adv.

Vs.

Niranjan Acharya

.....

Opposite Party

CORAM:

JUSTICE SAVITRI RATHO

ORDER

14.10.2022

Order No.

(Through hybrid mode)

11.

1. Heard Mr. Gouri Shankar Das, learned counsel for the petitioner.
2. This application under Section 24 of the C.P.C. has been filed by the petitioner-wife praying for transfer of C.P. No. 80 of 2019 filed by the opposite party-husband under Section 13 of the Hindu Marriage Act, in the Court of the learned Judge, Family Court, Kalahandi, Bhawanipatna, to the Court of the learned Judge, Family Court, Nayagarh.
3. On 14.09.2022 notice had been held to be sufficient against the opposite party. No counsel had appeared for the opposite party on that date for which the case had been adjourned to 21.09.2022 and registry had been asked to verify if any counsel had appeared on his behalf. On 21.09.2022, none had appeared for the opp. party for which the matter was adjourned to today. Today also when the matter is called, none appears for the opp. party, for which the TRP(C) is taken up for final disposal in the absence of the opp. party.

4. Learned counsel for the petitioner submits that marriage of the petitioner and opp. party has been solemnized on 23.11.2012 at Ranpur in the district of Nayagarh. After leading a happy marital life for 5-6 months, the opposite party started demanding more dowry and torturing the petitioner. After the torture became unbearable, she was compelled to leave her matrimonial house and is living in the house of her parent's with her minor daughter who is aged about 9 years. Though the opposite party is a permanent resident of Nayagarh but in order to harass the petitioner he has filed the civil proceeding in Kalahandi stating that he is staying there with his sister and brother-in-law. He further submits that as the distance between Nayagarh and Kalahandi is more than 300 kms. and the petitioner has no independent source of income, it would be inconvenient for her to go to Kalahandi to contest the case. He also submits that the opposite party has been unable to go to Kalahandi and file her written statement in the case and now the case is posted for evidence.

5. Considering the submissions of the counsels and as it is the settled position of law that in matrimonial cases, the convenience of the wife is to be given more importance, the prayer for transfer is allowed.

6. The learned Judge, Family Court, Kalahandi, Bhawanipatna is requested to send the record of C.P. No. 80 of 2019 (**Niranjan Acharya vrs. Rinki Acharya**) to the Court of learned Judge, Family Court, Nayagarh by 28.10.2022. The petitioner undertakes to appear before the learned Judge, Family Court, Nayagarh on 11.11.2022. Notice shall be issued to the opp. party for his

appearance. In order to mitigate the inconvenience which may be faced by the opposite party who has to come from Kalahandi, Bhawanipatna, the learned Judge, Family Court, Nayagarh is requested to dispose of the proceeding expeditiously and not to grant unnecessary adjournments in the case.

7. The TRP (C) is accordingly allowed.
8. Registry is directed to send a copy of this order to the Court of the learned Judge, Family Court, Kalahandi, Bhawanipatna forthwith for compliance.
9. Urgent certified copy of this order be granted as per rules.

puspa



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(SAVITRI RATHO)
JUDGE