

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.409 of 2022

Udayanath Garnaik

....

Petitioner

-versus-

Shivankruti Dash & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

14.11.2022

Order No

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. S. Rout, learned counsel for the Petitioner.

3. This transfer Petition has been filed under Sec. 24 of the Code of Civil Procedure seeking transfer of C.S. No. 286 of 2022 pending in the Court of learned Civil Judge (Senior Division), Nimapada to the Court of learned Civil Judge (Senior Division), Angul.

4. It is submitted that the Petitioner is the father in law of the Opp. Party No 1 and after the death of the Petitioner's daughter/wife of Opp. Party No. 1, Opp. Party No. 1 has filed the suit in question seeking declaration of his claim over the schedule property and he has also prayed for injunction against the Petitioner.

5. Mr. Rout, learned counsel for the Petitioner submitted that the Petitioner is an old person and he is unable to appear before the Court at Angul. It is also submitted that the Petitioner since is the nominee of the suit property, the suit should have been filed at Angul in stead of Nimapada.

6. Heard learned counsel for the Parties. Perused the materials available on record. This Court after going through the same finds that the Petitioner can very well appear before the Court at Angul by engaging a counsel of his choice and the said counsel can defend the interest of the Petitioner. No justifiable ground is also made out for such transfer of the matter.

7. In view of the same this Court is not inclined to entertain the writ Petition and dismiss the same. Accordingly, the writ Petition is dismissed.

Sneha

(Biraja Prasanna Satapathy)
Judge

