

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**TRP(C) No.354 of 2021**

***Sasmita Sethi***

....

***Petitioner***

***-versus-***

***Pratap Kumar Sethy***

....

***Opposite Party***

**CORAM: JUSTICE S. PUJAHARI**

**ORDER**

**10.05.2022**

**Order**

**No.**

03.

1. This matter is taken up through hybrid mode.
2. Service of notice on Opposite Party be treated as sufficient in view of the report of the process server.
3. This petition has been filed by the Petitioner-wife for transfer of Civil Proceeding No.244 of 2021 instituted at the instance of the Opposite Party-husband from the file of the learned Judge, Family Court, Bhadrak to the Court of Judge, Family Court, Jajpur on the ground that a proceeding under the P.W.D.V. Act, i.e., D.V. Misc. Case No.107 of 2019 instituted at her instance is pending in the Court of S.D.J.M., Jajpur wherein interim maintenance has been granted to her and the same has been challenged by the Opposite Party by filing the appeal before the Court of District & Sessions Judge, Jajpur.
4. Heard the learned counsel for the Petitioner-wife.

5. Since no one appears on behalf of the Opposite Party-husband in spite of sufficiency of notice and the convenience of the wife is the paramount consideration in a case for transfer of the matrimonial dispute, so also at a belated stage, a proceeding under Section 9 of the Hindu Marriage Act has filed by the Opposite Party-husband before the Judge, Family Court, Bhadrak, this Court allows the transfer petition and consequently directs that Civil Proceeding No.244 of 2021 pending on the file of the learned Judge, Family Court, Bhadrak be transferred to the Court of Judge, Family Court, Jajpur. Both the Courts shall do the needful on production of the certified copy of this order.

6. However, liberty is given to the Opposite Party-husband to seek the review of the order, if so aggrieved.

7. With the aforesaid order, this transfer petition stands disposed of.

8. Urgent certified copy of this order be granted on proper application.

**(S. Pujahari)**  
**Judge**

DA