

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 427 of 2019

Sweta Mohanty

.....

Petitioner
Mr. S. Dash, Adv.

Vs.

Smriti Ranjan Pradhan

.....

Opposite Party
Mr. R.K. Mahapatra, Adv.

CORAM:

JUSTICE SAVITRI RATHO

ORDER

24.08.2022

Order No.

06.

This matter is taken up through hybrid mode.

2. Heard Mr. S. Dash, learned counsel for the petitioner and Mr. R.K. Mahapatra, learned counsel for the opp. party.

3. In this application under Section 24 of the C.P.C., the petitioner-wife has prayed for transfer of Civil Proceeding No.223 of 2019 filed by the opposite party-husband under Section 13(1) of the Hindu Marriage Act, in the Court of the learned Judge, Family Court, Angul, to the Court of the learned Judge, Family Court, Bhawanipatna or any other competent Court.

Though this TRP (C) application has been listed for orders, it is taken up for disposal as an interim order is in operation and the opp. party has already entered appearance through counsel. The documents annexed with the I.A. No.140 of 2022 for amendment are taken into consideration, so it is not necessary to direct for amendment of the TRP (C).

4. Mr. Dash, learned counsel for the petitioner-wife submits that marriage of the petitioner and opp. party has been solemnized on 09.12.2016 at Angul and both the parties are highly educated and were serving at Chennai and Kolkata

respectively at the time of filing of the TRP(C). But presently the wife is working from home at Bhawanipatna and the opp. party is posted at Bhubaneswar. He further submits that the petitioner has filed an application for amendment annexing the various medical documents of her parents which would show that her mother has undergone total knee replacement surgeries in the year 2019 and needs treatment and care and her father is undergoing psychiatrist consultation at Maa Neuro-phychiatry Clinic, Cuttack. There is no other member in the family of the petitioner to accompany her to Angul which is more than 300 kms away from Bhawanipatna, for contesting the proceedings in C.P. No. 223 of 2019. He further submits that the petitioner apprehends threat to her life, if she goes to Angul in view of strained relationship between her and the opp. party for which the case may be transferred from Angul to any other Court of competent jurisdiction.

5. Mr. R.K. Mahapatra, learned counsel for the opp. party-husband opposed the prayer for transfer stating that the petitioner is an educated and a qualified lady and she is accustomed to travel to various places and as regards the ailments of the parents of the petitioner is concerned, their presence will be required only for recording their evidence, so their ailments are not very material for transferring the case. He further submits that he has no objection, if the prayer for transfer of the Civil Proceeding outside Angul is allowed and the case is transferred to Bhubaneswar or Cuttack, as he is presently serving in Bhubaneswar.

In view of such submission of the learned counsel for

the opp. party, in the midst of hearing, learned counsel for the petitioner was asked to obtain instructions from the petitioner over telephone regarding her preference and she has conveyed through her counsel that she prefers Cuttack.

6. Considering the submissions of the counsel, and as the father of the petitioner is undergoing treatment at Cuttack and the opp. party is serving at Bhubaneswar, it is deemed expedient in the interest of justice to allow the transfer application and transfer C.P. No. 223 of 2019 from the Court of the learned Judge, Family Court, Angul, to the Court of the learned Judge, Family Court, Cuttack.

7. The learned Judge, Family Court, Angul is requested to send the record of C.P. No. 223 of 2019 to the Court of learned Judge, Family Court, Cuttack by 09.09.2022. The parties undertake to appear in the Court of the learned Judge, Family Court, Cuttack on 23.09.2022 and to cooperate for early disposal of the Civil Proceeding.

Liberty is granted to the petitioner to move the learned Family Judge for her examination and examination of her parents through video conferencing mode, in case of necessity, which shall be considered in accordance with law.

8. The TRP (C) is accordingly disposed of.

9. Issue urgent certified copy as per rules.

10. Registry is directed to send a copy of this order to the Court of learned Judge, Family Court, Angul forthwith.