

IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No. 77 of 2021

***Shyama Bandhu Panigrahi***

Appellant

Ms. P. Jena, Advocate

-versus-

***Smt. Geetanjali Panigrahi***

Respondent

CORAM:

JUSTICE S. TALAPATRA

JUSTICE SAVITRI RATHO

ORDER

13.12.2022

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Ms. P. Jena, learned counsel appearing for the Appellant has fairly submitted that since the impugned order dated 11.10.2021 delivered in MAT Case No.64 of 2019 has been passed by the Senior Civil Judge, Bissamcuttack, Rayagada, the appeal would lie before the District Judge, Rayagada under Section 96 of the Code of Civil Procedure, 1908. Inadvertently, this appeal has been filed before this Court under Section 19(1) of the Family Courts Act, 1984.
3. Ms. Jena, learned counsel prays for remitting the matter to the appropriate jurisdiction.
4. We find sufficient force in the submission of Ms. Jena, learned counsel for the Appellant and we accordingly remit this appeal to the Court of the District Judge, Rayagada for hearing and disposal in accordance with law. Since the format of the appeal is specific to the High Court of Orissa,

the Appellant is given liberty to file a memorandum of appeal in the appropriate form, in the Court of the District Judge, Rayagada. Learned District Judge shall take up the said memorandum of appeal for consideration. No issue on limitation will be permitted to be raised by the respondent in view of this order of remittance.

5. In terms of the above, the appeal stands disposed of.

6. Registry is directed to remit the records of this appeal after keeping a photo copy of the same to the Court of the District Judge, Rayagada forthwith alongwith a copy of this order.

7. The Petitioner may also submit a certified copy of this order in the Court of the District Judge, Rayagada.

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

(S. Talapatra)
Judge

(Savitri Ratho)
Judge