

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 437 of 2019

Lopamudra Mohapatra

.....

Petitioner

Mr. D.R. Mohapatra, Adv.

Vs.

Debesh Pattanaik

.....

Opposite Party

Mr. Brundaban Rout, Adv.

CORAM:

JUSTICE SAVITRI RATHO

ORDER

20.10.2022

Order No.

05.

(Through hybrid mode)

1. This application under Section 24 of the C.P.C. has been filed by the petitioner-wife praying for transfer of C.P. No.442 of 2019 filed by the opposite party-husband under Section 25(i) & (iii) of the Special Marriage Act, in the Court of the learned Judge, Family Court, Bhubaneswar, to the Court of the learned Judge, Family Court, Cuttack.

2. Mr. Mohapatra, learned counsel for the petitioner-wife submits that marriage of the petitioner and opp. party has been solemnized on 18.01.2019 in the office of the Marriage Officer, Khurda at Bhubaneswar under the Special Marriage Act and thereafter, the marriage was solemnized on 25.01.2019 at Cuttack under Hindu rites and customs and the marriage certificate has been issued by the Marriage Officer, Khurda vide Certificate No. 88 of 2019. The petitioner was subjected to mental and physical harassment by the opp. party and his family members just after the next day of marriage leading to an unbearable situation. The opposite party just before leaving for his place of service at USA, left the petitioner at her parental house in Cuttack with the

assurance that she would be taken back to the house of the in-laws on his return. Mr. Mohapatra, learned counsel further submits that except her aged and ailing father, there is no other male member in the family of the petitioner to accompany her to Bhubaneswar to contest the case. He files a memo stating that Cuttack Mahila P.S. Case No.4 of 2020 has been registered on the information of the petitioner against the opposite party and his family members for commission of offences punishable under Section 498-A, 506, 406, 34 of the I.P.C. read with Section 4 D.P. Act, is pending. The memo be tagged to the record.

3. Mr. Rout, learned Counsel for the opposite party submits that the opp. party has no objection if the case is transferred to Cuttack but prays that direction may be issued for expeditious disposal of the case as the proceeding is pending since the year 2019.

4. In view of the settled position of law that the convenience of the wife is to be given more importance in matrimonial cases, and the submissions of the counsels, the prayer for transfer is allowed.

5. The learned Judge, Family Court Bhubaneswar shall send the record of C.P. No.442 of 2019 (**Debesh Pattanaik vs. Lopamudra Mohapatra**) to the Court of learned Judge, Family Court, Cuttack by 03.11.2022. Learned counsels undertake that the parties will appear before the Court of the learned Judge, Family Court, Cuttack on 11.11.2022. Learned Judge, Family Court, Cuttack is requested to take steps for expeditious disposal of the case since the same is pending since 2019.

6. The TRP (C) is accordingly allowed.
7. Issue urgent certified copy as per rules.
8. Registry is directed to send a copy of this order to the Court of the learned Judge, Family Court, Bhubaneswar forthwith for compliance.

Sukanta

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(SAVITRI RATHO)
JUDGE

