

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.382 of 2021

Jyoti Kumari Ratha

....

Petitioner

-versus-

Tushar Kanta Ratha

....

Opposite Party

CORAM: JUSTICE S. PUJAHARI

ORDER

10.02.2022

Order

No.

02.

1. This matter is taken up through hybrid mode.
2. This petition has been filed by the Petitioner for transfer of MAT Case No.30 of 2021 instituted at the instance of the Opposite Party-husband from the file of the learned Civil Judge (Senior Division), Chhatrapur to the Court of Judge, Family Court, Berhampur.
3. The grievance of the Petitioner is that the aforesaid MAT case filed before the Court of Civil Judge (Senior Division), Chhatrapur, which is pending, where the father-in-law of the present Petitioner is an employee. Another case filed under Section 125 of Cr.P.C., which is pending before the Judge, Family Court, Berhampur. Therefore, the Petitioner expects that the case may be lingered and she may not get justice. Hence, the aforesaid MAT case be transferred to the Court of Judge, Family Court, Berhampur where proceeding under Section 125 of Cr.P.C. is pending.

4. Though the grounds taken by the Petitioner are not convincing one, as the proceeding under Section 125 of Cr.P.C. is pending in the Court of Judge, Family, Court, Berhampur and this is a matrimonial dispute, this Court allows the prayer and directs that MAT Case No.30 of 2021 pending on the file of the learned Civil Judge (Senior Division), Chhatrapur be transferred to the Court of Judge, Family Court, Berhampur. Both the Courts shall do the needful on production of the certified copy of this order.

5. However, the Opposite Party is at liberty to seek review of this order, if the proceeding under Section 125 of Cr.P.C. is not pending in the said court as on date.

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

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

(S. Pujahari)
Judge

DA