

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP (C) No.452 of 2019

Sadhu Charan Das & Another

Petitioners

Mr.B. Prasad Das

Advocate

-versus-

Swapendu Das

Opposite Party

Mr.M.R. Hota, Advocate.

CORAM:

JUSTICE D.DASH

ORDER

25.11.2022

Order No.

06. 1. This matter is taken up by hybrid arrangement (virtual/physical mode).
2. The Petitioners, by filing this Application under Section 24 of the Code of Civil Procedure (in short, 'the Code'), have prayed for transfer of Civil Proceeding No.229 of 2019 from the Court of the learned Judge, Family Court, Kendrapara to the Court of the learned Judge, Family Court, Bhadrak.
3. Heard Mr.Bhabani Prasad Das, learned counsel for the Petitioners and Mr.M.R.Mohapatra, learned counsel for the Opposite Party.
4. Keeping in view the submissions made, the record along with documents annexed thereto being perused; it appears that the Opposite Party, as the Petitioner, has filed an Application under section 26 of the Hindu Marriage Act, 1955 seeking an order/direction to these Petitioners arraigned therein as the Respondents to handover the custody of the minor daughter of the present Opposite Party to him.

It may be stated here that the Opposite Party married the daughter of the present Petitioners on 29.06.2009. The child, for

whose custody, the present proceeding is pending was born out of the said wedlock on 27.07.2010. There being discontentment, the wife of the present Opposite Party with the minor daughter are not residing with the Opposite Party in his house few years after the birth of their daughter. A criminal case is also running against the Opposite Party alleging commission of offence under section 498-A/506/34 IPC and section 4 of D.P. Act. The minor daughter is now staying with these Petitioners, who are her custodian and taking her care being the maternal grandparents. The girl child is now aged about twelve years. The Petitioners, who are the maternal grandparents of minor girl child, are the permanent residents of village-Aradi in the District of Bhadrak. The proceeding, at the behest of the Opposite Party, is pending at Kendrapara. The distance between the locations of Court is about ninety kilometers. The Petitioners, who are maternal grandparents of the minor girl child are senior citizens.

5. In the aforesaid facts situation of the case and further keeping in view the nature of the proceeding and the circumstances concerning the parties as also taking into account the interest of the minor; this Court in the interest of justice directs transfer of C.P. Case No.229 of 2019 pending in the Court of learned Judge, Family Court, Kendrapara to the Court of the learned Judge, Family Court, Bhadrak for its disposal in accordance with law within a period of six months from the date of appearance of the parties before the transferee Court.

The record of C.P. Case No.229 of 2019 be transmitted to the Court of the learned Judge, Family Court, Bhadrak forthwith.

Learned Counsels are requested to instruct their respective parties to enter appearance in C.P. Case No.229 of 2019 before the learned Judge, Family Court, Bhadrak on 10.01.2023 to receive further instruction and cooperate for its disposal in accordance with law within the stipulated time.

6. The Application is accordingly disposed of.

A copy of the order be early communicated to the concerned Courts for necessary actions at their end.

(D. Dash)
Judge

Basu

