

IN THE HIGH COURT OF ORISSA AT CUTTACK

**TRP(C) No.447 of 2021
(Through video conferencing mode)**

Jawaish Jahan

....

Petitioner

Mr. Pranab Ranjan Chhatoi, Advocate

-versus-

SK. Jallauddin

....

Opposite Party

CORAM: JUSTICE ARINDAM SINHA

**ORDER
04.02.2022**

Order No.

02.

1. Mr. Chhatoi, learned advocate appears on behalf of petitioner wife and submits, he had moved this transfer petition on behalf of his client (petitioner wife) on 21st January, 2022, when, inter alia, following was said the order made.

“Mr. Chhatoi, learned advocate appears on behalf of petitioner wife and submits, his client’s husband drove her out of her matrimonial home in Jajpur district. His client is now residing with her parents in district of Puri. She has lodged F.I.R. and filed for maintenance before the Court in Bhubaneswar. To harass his client, opposite party has filed for restitution of conjugal rights in the Court at jajpur. He submits, a learned judge of this Court has taken view that paramount is convenience of the wife in deciding petition under section 24 of Code of Civil Procedure.”

He submits, service has been made as confirmed by tracking report showing delivery to opposite party-husband. None appears on his behalf.

2. Petitioner wife is staying away from her marital home. She wants the restitution case filed by her husband (opposite party) to be transferred, for it to be convenient for her to contest the same. No ground opposing the transfer is before Court since opposite party goes unrepresented in spite of notice.

3. Civil Proceeding no.236 of 2021 pending in Family Court, Jajpur be transferred to Family Court, Bhubaneswar. The transferee Court will renumber and register the case and resume the proceeding, upon causing notice to be served on opposite party-husband.

4. The petition is disposed of.

(Arindam Sinha)
Judge

SL/Prasant