IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.313 of 2024

Sonali Naik @ Nayak .... ***Petitioner***

Mr. B. B. Routray, Adv.

-versus-

Chandan Naik .... ***Opposite Party***

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

10.12.2024

Order No.

03. This matter is taken up through hybrid mode.

2. Learned Counsel for the Petitioner is present.

3. Despite service of notice on the Opposite Party on 09.11.2024, he is yet to appear in this case. Hence, vide order dated 20.11.2024, to give further opportunity to the Opposite Party, the matter stood adjourned. Today also, when the matter is called, the Opposite Party goes unrepresented.

4. Heard learned Counsel for the Petitioner-wife.

5. This Transfer Petition has been filed by the Petitioner-wife for transfer of MAT (SUIT) No.34 of 2022, pending in the Court of Civil Judge (Sr. Division), Talcher to the Court of Judge, Family Court, Cuttack on the grounds detailed in the Transfer Petition.

6. In view of the settled position of law so also the reasons detailed in the Transfer Petition and the submission made by the learned Counsel for the Petitioner-wife, the prayer made in the application is allowed.

7. The Civil Judge (Sr. Division) Talcher, is directed to transmit the case record in MAT (SUIT) No.34 of 2022 to the Court of Judge Family Court, Cuttack, at the earliest, preferably within a period of one week, from the date of production of certified copy of this order.

8. On receiving the case record in MAT (SUIT) No.34 of 2022 from the Court of Civil Judge (Sr. Division), Talcher, the Judge, Family Court, Cuttack shall re-register the said case, if so required, and proceed further in accordance with law giving due opportunity to both the parties and shall try to conclude the said proceeding at the earliest.

9. It is made clear that parties will be at liberty to appear before the Judge, Family Court, Cuttack through virtual mode, with due permission of the concerned Court, in case they face any difficulty on any date to appear physically before the said Court. However, on the dates of effective hearing i.e. for examination and cross-examination of witnesses so also other purposes, if any, for which their presence will be required by the Court, the parties shall remain physically present before the Judge, Family Court, Cuttack

10. To avoid delay, the parties, either in person or through their Counsel, shall make a query with the Court of Judge, Family Court, Cuttack to ascertain the date and purpose of posting and participate in the said proceeding.

11. With the said observation and direction, the Transfer Petition stands disposed of.

12. Office is directed to communicate a copy of this order to the Court of Civil Judge (Sr. Division), Talcher so also the Court of Judge, Family Court, Cuttack enabling the said Courts to act in terms of the observation made above.

13. Urgent certified copy of this order be granted on proper application as per rules.

(S.K. MISHRA)
JUDGE

Mona

Signature Not Verified
Digitally Signed
Signed by: MONALISA SWAIN
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Odisha
Date: 11-Dec-2024 17:45:19