IN THE HIGH COURT OF ORISSA, CUTTACK

TRP(C) No.220 of 2026

CNR No.ODHC010264532026

Sushree Souravi Rout ..... Petitioner

-Versus-

Satya Sarathi Samantray ..... Opposite Party

Advocate for the parties

For Petitioner : Mr. Om Swarup, Advocate

For Opposite Party : None

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CORAM: JUSTICE SANJAY KUMAR MISHRA

Date of Hearing & Judgment: 17.11.2026

S.K. MISHRA, J.

1. Pursuant to order dated 30.09.2026, the learned Judge, Family Court, Jajpur has submitted a report vide letter No.592 dated 16.10.2026, wherefrom, it is revealed that Court motion notice issued to the Opposite Party-husband was served on the learned Counsel for the Opposite Party, who is representing him in C.P. No.278 of 2026. Still, the Opposite Party-husband goes unrepresented, when the matter is called. Hence, as prayed by the

learned Counsel for the Petitioner, the transfer petition is taken up for hearing and disposal at the stage of admission in absence of the Opposite Party-husband.

2. This transfer petition has been filed under Section 24 of the Code of Civil Procedure, 1908 by the Petitioner-wife for transfer of proceeding in C.P No.53 of 2026, filed by the Opposite Party-husband, pending in the Court of learned Judge, Family Court, Jajpur, to the Court of learned Judge, Family Court-I, Bhubaneswar on the grounds detailed therein.

3. Heard Learned Counsel for the Petitioner.

4. Reiterating the grounds urged in the transfer petition, learned Counsel for the Petitioner-wife submits, the Petitioner, after her desertion, is staying with her parents at Bhubaneswar. She is having a minor male child. That apart, she has filed an application under Section 13(i)(ia) of the Hindu Marriage Act, 1955 seeking for dissolution of Marriage, which is pending before the learned Judge, Family Court-I, Bhubaneswar, being registered as C.P. No.278 of 2026. Being noticed, the Opposite Party-husband has appeared and contesting in the said case at Bhubaneswar. Learned Counsel for the Petitioner further submits, C.P. No.53 of 2026, being preferred by the Opposite Party-husband under Section 9 of the Hindu Marriage Act, 1955 for restitution of

conjugal rights, as per the settled position of law, both the proceedings, i.e., C.P. No.278 of 2026 so also C.P. No.53 of 2026, need to be tried together to avoid multiplicity of proceedings and conflicting judgments.

5. Law is well settled that, while dealing with transfer petitions in matrimonial cases, convenience of the wife must be looked at and proceedings involving common question of fact and law to be tried together. In ***N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha,*** reported in 2022 SCC OnLine SC 1199, the Supreme Court held as follows:

> *"**9.** The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life.* ***Given the prevailing socio-economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer***.

> ***10.*** *Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that* ***they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions****."*
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> ***(Emphasis supplied)***

6. After going through the pleadings made in the transfer petition, taking note of the contentions made by learned Counsel for the Petitioner so also the settled position of law and the fact that the Opposite Party-husband has appeared in C.P No.278 of 2026, now pending before the learned Judge, Family Court-I, Bhubaneswar and contesting the said case at Bhubaneswar, this Court is inclined to allow the prayer made in the transfer petition.

7. Accordingly, the learned Judge, Family Court, Jajpur is directed to transmit the case record in C.P No.53 of 2026 to the Court of learned Judge, Family Court-I, Bhubaneswar at the earliest, preferably within a week from the date of production of certified copy of this judgment.

8. It is made clear that after receiving the case record from the Court of learned Judge, Family Court, Jajpur, learned Judge, Family Court-I, Bhubaneswar shall re-register the said

case, if so required, and shall do well to try both the proceedings, i.e., C.P. No.53 of 2026 so also C.P. No.278 of 2026, together and proceed further in accordance with law giving due opportunity to the parties.

9. Since the Opposite Party-husband is a veterinary doctor and at present posted at Kataka, for convenience of the parties, the learned Judge, Family Court-I, Bhubaneswar is requested to explore the facilities of Video Conferencing available in the said Court and permit the parties to appear before him through virtual mode following due procedure, as prescribed under the "High Court of Orissa and District Courts Use of Electronic Communication and Audio-Video Electronic Means Rules, 2025", if so prayed by any of the parties. However, on the dates of effective hearing, i.e., for examination and cross-examination of witnesses and other purposes, for which their presence may be required by the Court and if it is so ordered, the parties shall remain physically present before the learned Judge, Family Court-I, Bhubaneswar.

10. To avoid delay and notice, the parties are directed to make a query themselves or through their Counsel regarding the date and purpose of posting of C.P No.53 of 2026 and attend the Court of the learned Judge, Family Court-I, Bhubaneswar.

11. Both the parties are further directed not to seek for unnecessary adjournments and cooperate with the learned Judge, Family Court-I, Bhubaneswar, who shall do well to conclude the proceedings in C.P No.53 of 2026 so also C.P. No.278 of 2026 at the earliest.

12. With the said observation and direction, the transfer petition stands disposed of.

13. Interim order dated 04.08.2026 passed in I.A. No.120 of 2026 stands vacated and the said I.A. stands disposed of accordingly.

14. Office is directed to communicate a copy of this judgment to the learned Judge, Family Court-I, Bhubaneswar for compliance.

15. Urgent certified copy of this judgment be granted on proper application as per rules.

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S.K. MISHRA, J.

Orissa High Court, Cuttack.
Dated, 17th November, 2026/ Kanhu

Signature Not Verified
Digitally Signed
Signed by: KANHU BEHERA
Designation: JUNIOR STENOGRAPHER
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 18-Nov-2026 18:13:36