IN THE HIGH COURT OF ORISSA, CUTTACK

TRP(C) No.119 of 2026

CNR No.ODHC010284932026

Nibedita Panda ..... Petitioner

-Versus-

Alok Kumar Mahapatra ..... Opposite Party

Advocate for the parties

For Petitioner : Mr. Surendra Mohanty, Advocate

For Opposite Party : None

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CORAM: JUSTICE SANJAY KUMAR MISHRA

Date of Hearing & Judgment: 25.11.2026

S.K. MISHRA, J.

1. Pursuant to order dated 30.09.2026, the learned Judge, Family Court, Jharsuguda has submitted a report vide letter No.430(WE) dated 28.10.2026, wherefrom it is revealed that copy of order dated 30.09.2026 passed by this Court was duly communicated to Sri P.R. Singhdeo, learned Counsel, who represents the present Opposite Party in C.P. No.26 of 2026. That

apart, copy of the said order has also been duly served on Mr. Alok Kumar Mahapatra, the present Opposite Party, through Process Establishment Section, Civil Courts, Jharsuguda on proper endorsement. Still the Opposite Party goes unrepresented, when the matter is called.

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

3. This transfer petition has been filed by the Petitioner-wife under Section 24 of the Code of Civil Procedure, 1908 for transfer of proceeding in C.P. No.26 of 2026, filed by the Opposite Party-husband under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights, pending in the Court of learned Judge, Family Court, Jharsuguda to the Court of learned Judge, Family Court, Sambalpur on the grounds detailed therein.

4. Heard learned Counsel for the Petitioner.

5. Reiterating the grounds urged in the transfer petition, learned Counsel for the Petitioner-wife submits, the Petitioner is a deserted lady. After her desertion, she is staying with her old ailing widow mother in her parental house at Sambalpur. She has a minor girl child, who is around 13 years old. She has no source of

income to maintain herself as well as her minor girl child, who is prosecuting her study at Vikash First Step, Sambalpur in Class-VIII. Till date, the Opposite Party-husband has not paid a single penny for maintenance of the Petitioner-wife so also her minor child, for which she has filed Crl. Misc. Case No.15 of 2026 under Section 144(1) BNSS, 2023 seeking maintenance of Rs.25,000/- for herself so also Rs.15,000/- for her minor girl child before the learned Judge, Family Court, Sambalpur. That apart, for cruelty and harassment, she has also lodged an FIR before the IIC, Thelkoli Police Station, Sambalpur, which was registered as P.S. Case No.05 of 2024 under Section 498-A IPC read with Section 4 of the Dowry Prohibition Act, 1961, corresponding to G.R. Case No.48 of 2024, pending before the Court of learned S.D.J.M., Sambalpur. Accordingly, learned Counsel for the Petitioner prays for transfer of proceeding from the Court of learned Judge, Family Court, Jharsuguda to the Court of learned Judge, Family Court, Sambalpur.

6. Law is well settled that, while dealing with transfer petitions in matrimonial cases, convenience of the wife must be looked at. 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****."*
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> ***(Emphasis supplied)***

7. After going through the pleadings made in the transfer petition, so also taking note of the contentions of the learned Counsel for the Petitioner and the settled position of law, this Court is inclined to allow the prayer made in the transfer petition.

8. Accordingly, the learned Judge, Family Court, Jharsuguda is directed to transmit the case record in C.P. No.26 of 2026 to the Court of learned Judge, Family Court, Sambalpur at

the earliest, preferably within a week from the date of production of certified copy of this judgment.

9. On receiving the case record in C.P. No.26 of 2026 from the Court of learned Judge, Family Court, Jharsuguda, the Court of learned Judge, Family Court, Sambalpur shall re-register the said case, if so required, and proceed further in accordance with law giving due opportunity to both the parties.

10. For convenience of the parties and to expedite the trial, the Court of learned Judge, Family Court, Sambalpur 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 "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 below and if it is so ordered, the parties shall remain physically present before the Court of learned Judge, Family Court, Sambalpur.

11. 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.26 of 2026 and attend the Court of learned Judge, Family Court, Sambalpur.

12. Both the parties are further directed not to seek for unnecessary adjournments and cooperate with the learned Judge, Family Court, Sambalpur, who shall do well to conclude the proceeding in C.P. No.26 of 2026 at the earliest.

13. With the aforesaid observation and direction, the transfer petition stands allowed and disposed of.

14. Office is directed to communicate a copy of this Judgment to the Court of learned Judge, Family Court, Sambalpur for compliance.

15. Interim order dated 31.07.2026 passed in I.A. No.129 of 2026 stands vacated and the said I.A. also stands disposed of accordingly.

16. 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, 25th November, 2026/ Kanhu

Signature Not Verified
Digitally Signed
Signed by: KANHU BEHERA
Designation: JUNIOR STENOGRAPHER
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 26-Nov-2026 17:28:19