IN THE HIGH COURT OF ORISSA, CUTTACK

TRP(C) No.247 of 2026

CNR No.ODHC010607022026

Santoshi Sahu ..... Petitioner

-Versus-

Arjuna Sahu ..... Opposite Party

Advocate for the parties

For Petitioner : Mr. Karunakar Das, 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. Despite service of notice in terms of order dated 29.09.2026, so also granting further opportunity vide the said order, the Opposite Party-husband 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 MAT Case No.12 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 Senior Civil Judge, Kodala, Ganjam to the Court of learned Judge, Family Court, Berhampur 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 parents at Karapalli in the district of Ganjam. She is having a breast feeding girl child. She has no source of income to maintain herself as well as her minor girl child and is totally dependent on her parents. That apart, the distance from the parental house of the Petitioner-wife to the Court at Kodala, Ganjam would be around 50 K.Ms. She is having no source of income and a breast feeding minor girl child, it would be difficult on her part to travel such a distance and attend the day-to-day proceeding at Kodala, Ganjam. That apart, the Petitioner-wife has filed Cr.P. No.103 of 2026

under Section 144 BNSS, 2023 before the learned Judge, Family Court, Berhampur seeking maintenance. Being noticed in Cr.P. No.103 of 2026, the Opposite Party-husband has appeared and contesting the said case at Berhampur. Accordingly, learned Counsel for the Petitioner prays for transfer of proceeding from the Court of learned Senior Civil Judge, Kodala, Ganjam to the Court of learned Judge, Family Court, Berhampur.

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."

(Emphasis supplied)

7. After going through the pleadings made in the transfer petition so also taking note of the contentions made by 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 Senior Civil Judge, Kodala, Ganjam is directed to transmit the case record in MAT Case No.12 of 2026 to the Court of learned Judge, Family Court, Berhampur at the earliest, preferably within a period of one week from the date of production of certified copy of this judgment.

9. On receiving the case record in MAT Case No.12 of 2026 from the Court of learned Senior Civil Judge, Kodala, Ganjam, the Court of learned Judge, Family Court, Berhampur 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, the Court of learned Judge, Family Court, Berhampur 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, Berhampur.

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 MAT Case No.12 of 2026 and attend the Court of learned Judge, Family Court, Berhampur.

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

13. With the said 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, Berhampur for compliance.

15. Interim order dated 14.08.2026 passed in I.A. No.265 of 2026 stands vacated and the said I.A. 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, 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