IN THE HIGH COURT OF ORISSA, CUTTACK

TRP(C) No.256 of 2026

CNR No. ODHC010625972026

Chhaya Purabi Dash ... Petitioner

-Versus-

Deeptimanta Kumar Malik ... Opposite Party

Advocates for the parties

For Petitioner : Mr. A. Mohanty, Advocate

For Opposite Party : Mr. A. Mishra, Advocate

CORAM: JUSTICE SANJAY KUMAR MISHRA

Date of Hearing & Judgment: 16.11.2026

S.K. MISHRA, J.

1. This transfer petition has been preferred under Section 24 of the Code of Civil Procedure, 1908 by the Petitioner-Wife, who is the Opposite Party in C.P. No.713 of 2026, pending in the Court of learned Judge, Family Court No.1, Bhubaneswar, seeking transfer of the said proceeding

to the Court of the learned Judge, Family Court, Rourkela on the grounds detailed therein.

2. Though no written objection has been filed opposing to the prayer for transfer, on the consent of learned Counsel for the parties, the transfer petition is taken up for hearing and disposal at the stage of admission, permitting learned Counsel for the Opposite Party-Husband to raise his oral objections, if any, to the prayer made in the transfer petition.

3. Reiterating the grounds urged in the transfer petition, learned Counsel for the Petitioner-Wife submits, she is a deserted woman having no independent source of income. That apart, in view of the other reasons detailed in the transfer petition, her prayer for transfer of the proceeding in C.P. No.713 of 2026 from Bhubaneswar to Rourkela be allowed.

4. Learned Counsel for the Opposite Party-Husband submits, as per the instruction received, his client has no

objection to the prayer for transfer of the matrimonial proceeding from Bhubaneswar to Rourkela.

4.1. Learned Counsel for the Opposite Party -Husband further submits, his client is presently serving at the Head Office of the State Bank of India at Bhubaneswar. Travelling such a long distance from Bhubaneswar to Rourkela on each date of posting of C.P. No.713 of 2026, by seeking leave, may cause considerable inconvenience to his client.

4.2. Accordingly, he prays that the Opposite Party-Husband be permitted to appear through virtual mode after transfer of C.P. No.713 of 2026 from Bhubaneswar to Rourkela.

5. In the circumstances, taking into consideration the pleadings and documents on record, submissions made by learned Counsel for the parties, including the concession made by the learned Counsel for the Opposite Party-Husband, so also the settled position of law, this Court is inclined to allow the prayer made in the transfer petition.

6. Accordingly, the learned Judge, Family Court No.I, Bhubaneswar is directed to transmit the case record in C.P. No.713 of 2026 to the Court of the learned Judge, Family Court, Rourkela at the earliest, preferably within a period of seven days from the date of production of certified copy of this Judgment.

7. On receiving the case record in C.P. No.713 of 2026 from the Court of learned Judge, Family Court No.I, Bhubaneswar, the Court of learned Judge, Family Court, Rourkela 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.

8. It is made clear that both the parties would be at liberty to appear before the Court of learned Judge, Family Court, Rourkela 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.

9. The Court of learned Judge, Family Court, Rourkela is requested to explore the facility of video conferencing available in the said Court and allow the parties to appear through video conferencing mode, following the guidelines prescribed under the "High Court of Orissa and District Courts Use of Electronic Communication and Audio-Video Electronic Means Rules, 2025".

10. 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 so also their witnesses, if any, shall remain physically present before the Court of learned Judge, Family Court, Rourkela.

11. To avoid delay and notice, both the parties are directed to make a query themselves or through their Counsel from the Court of learned Judge, Family Court, Rourkela to ascertain the date and purpose of posting of C.P. No.713 of 2026 and participate in the said proceeding.

12. Both the parties are directed not to seek for unnecessary adjournments and cooperate with the learned Judge, Family Court, Rourkela for early disposal of C.P. No.713 of 2026, as directed above.

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, Rourkela, enabling the said Court to act in terms of the observations made above.

15. Interim order, if any, stands vacated. Pending I.A. also stands disposed of accordingly.

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, 16th November, 2026/ Anisha

Signature Not Verified
Digitally Signed
Signed by: ANISHA NANDA
Designation: Interpreter
Reason: Authentication
Location: OHC, CUTTACK
Date: 17-Nov-2026 17:56:19