IN THE HIGH COURT OF ORISSA, CUTTACK
TRP(C) No.276 of 2026
CNR No. ODHC010668532026

Suniti Pradhan ..... Petitioner

-Versus-

Tapas Kumar Behera ..... Opposite Party

For Petitioner : Mr. P.K. Pradhan, Advocate

For Opposite Party : None

CORAM: JUSTICE SANJAY KUMAR MISHRA

Date of Hearing & Judgment: 18.11.2026

S.K. MISHRA, J.

1. In view of the office note, since notice issued to the Opposite Party has returned unserved with postal endorsement "Addressee refused", notice on the Opposite Party is held to be sufficient. Accordingly, as prayed by the learned Counsel for the Petitioner, the transfer petition is taken up for hearing and final disposal in absence of the Opposite Party.

2. This transfer petition has been preferred by the Petitioner-wife under Section 24 of the Code of Civil Procedure,

1908 for transfer of proceeding in MAT Case No.23 of 2025, pending in the Court of learned Senior Civil Judge, Hindol, to the Court of learned Judge, Family Court, Sambalpur on the grounds detailed in the transfer petition.

3. Reiterating the grounds urged in the transfer petition, learned Counsel for the Petitioner submits, the Petitioner being a deserted lady, having no source of income, is staying with her minor daughter. It would be highly inconvenient on her part to travel a long distance from Sambalpur to Hindol to attend the day to day proceeding, which would be about 200 K.M.

4. Law is well settled that while considering application for transfer of matrimonial proceedings, convenience of 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 follow:

> *"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 behavioral 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)***

5. In view of the submissions made by the learned Counsel for the Petitioner and pleadings made in the transfer petition, this Court is inclined to allow the prayer made in the transfer petition.

6. Accordingly, the learned Senior Civil Judge, Hindol is directed to transmit the case record in MAT Case No.23 of 2025 to the Court of learned Judge, Family Court, Sambalpur 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 MAT Case No.23 of 2025 from the Court of learned Senior Civil Judge, Hindol, 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 and shall try to conclude the said proceeding at the earliest.

8. Since the Opposite Party-husband, who is the Petitioner in MAT Case No.23 of 2025, remained absent despite service of notice and the matter is disposed of in his absence, learned Judge, Family Court, Sambalpur shall do well to notice him before proceeding further in MAT Case No.23 of 2025 and thereafter shall proceed further in accordance with law and try to conclude the said case at the earliest.

9. It is made clear that both the parties will be at liberty to appear before the Court of learned Judge, Family Court, Sambalpur 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.

10. The learned Judge, Family Court, Sambalpur 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".

11. 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 learned Judge, Family Court, Sambalpur.

12. To avoid delay, both the parties are directed to make a query themselves or through their Counsel from the Court of learned Judge, Family Court, Sambalpur to ascertain the date and purpose of posting of MAT Case No.23 of 2025 and participate in the said proceeding.

13. Both the parties are further directed not to seek for unnecessary adjournments and cooperate with the learned Judge, Family Court, Sambalpur for early disposal of MAT Case No.23 of 2025, as directed above.

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

15. Office is directed to communicate a copy of this Judgment to the Court of learned Judge, Family Court,

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

16. Interim order dated 24.09.2026 passed in I.A. No.295 of 2026 stands vacated. The said I.A. also stands disposed of accordingly.

17. 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, 18th November, 2026/ Banita

Signature Not Verified
Digitally Signed
Signed by: BANITA PRIYADARSHINI PALEI
Designation: SR. STENOGRAPHER
Reason: AUTHENTICATION
Location: OHC, CUTTACK
Date: 19-Nov-2026 17:05:30