IN THE HIGH COURT OF ORISSA, CUTTACK

TRP(C) No.350 of 2025

CNR No. ODHC010680992025

Saudamini Behera ... Petitioner

-Versus-

Achyuta Behera ... Opposite Party

Advocates for the parties

For Petitioner : Mr. R. Chhotaray, Advocate

For Opposite Party : Ms. A. Ray, Advocate

CORAM: JUSTICE SANJAY KUMAR MISHRA

Date of Hearing & Judgment: 28.10.2026

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.370 of 2023, pending before the learned Judge, Family Court, Puri, seeking transfer of the said proceeding to the Court of the

learned Judge, Family Court, Khordha, on the grounds detailed in the transfer petition.

2. Though the Opposite Party-Husband has entered appearance, no written objection has been filed till date opposing the prayer for transfer. However, with 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 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 that in view of the grounds urged in the transfer petition and the settled position of law, the prayer for transfer of the proceeding in C.P. No. 370 of 2023 from Puri to Khordha be allowed.

4. On being asked, learned Counsel for the Opposite Party-Husband fairly submits that she has no objection to such prayer for transfer. However, she submits that her

client is at present serving as a Sepoy in the Indian Army and is at present posted somewhere in the State of Uttarakhand. She further submits that his participation in the day-to-day proceedings in C.P. No.370 of 2023 at Khordha by seeking frequent leave may cause difficulty for him. Accordingly, she prays that, upon transfer of the proceeding from Puri to Khordha, the Opposite Party-Husband may be permitted to appear through virtual mode, if so required.

5. 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."***

(Emphasis supplied)

6. In a recent Judgment of this Court, reported in 2025 Live Law (Ori) 91 ***(Chittaranjan Padhiary & ors. Vs. Jasmin Das)***, this Court permitted the parties to appear through virtual mode with the following observations:

"However, in view of the reasons detailed in the forgoing paragraphs, this Court is of the view that ***interest of justice will be best served, if the parties, who are either stationed or serving at different places, are permitted to appear through virtual mode*** *before the concerned Courts."*

(Emphasis supplied)

7. In the circumstances, taking into consideration of the pleadings and documents on record, submissions made by learned Counsel for the parties and the settled position of law, the Court is inclined to allow the prayer made in the present transfer petition.

8. Accordingly, the learned Judge, Family Court, Puri is directed to transmit the case record in C.P. No.370 of

2023 to the Court of learned Judge, Family Court, Khordha at the earliest, preferably within a period of seven days from the date of production of certified copy of this Judgment.

9. On receiving the case record in C.P. No.370 of 2023 from the Court of learned Judge, Family Court, Puri, the Court of learned Judge, Family Court, Khordha 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.

10. It is made clear that both the parties would be at liberty to appear before the Court of learned Judge, Family Court, Khordha 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. The Court of learned Judge, Family Court, Khordha 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”. 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, Khordha.

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, Khordha to ascertain the date and purpose of posting of C.P. No.370 of 2023 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, Khordha for early disposal C.P. No.370 of 2023, 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, Khordha, enabling the said Courts to act in terms of the observations made above.

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, 28th October, 2026/ Anisha

Signature Not Verified
Digitally Signed
Signed by: ANISHA NANDA
Designation: Jr. Stenographer
Reason: Authentication
Location: OHC, CUTTACK
Date: 29-Oct-2026 11:33:33