IN THE HIGH COURT OF ORISSA, CUTTACK

TRP(C) No.419 of 2025

CNR No.ODHC010850592025

Manini Pradhan ..... Petitioner

-Versus-

Lenin Kumar Sha ..... Opposite Party

Advocate for the parties

For Petitioner : Ms. S.L. Pattnaik, Advocate

For Opposite Party : Mr. S.K. Mishra, Advocate

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CORAM: JUSTICE SANJAY KUMAR MISHRA

Date of Hearing & Judgment: 18.11.2026

S.K. MISHRA, J.

1. 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 Matrimonial Case No.50 of 2025, filed by the Opposite Party-husband, now pending in the Court of learned Senior Civil Judge, Sundargarh, to the Court of learned Senior Civil Judge, Padampur on the grounds detailed therein.

2. Since pleadings are complete, on consent of learned Counsel for the parties, the transfer petition is taken up for hearing and disposal at the stage of admission.

3. Heard learned Counsel for the parties.

4. 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 widow mother at Kendumunda in the district of Bargarh. She is totally dependent on her old widow mother for her livelihood. That apart, the distance from her parental house at Kendumunda to the Court of learned Senior Civil Judge, Sundargarh would be around 205 K.Ms.

4.1. Though it has not been averred in the transfer petition, learned Counsel for the Petitioner further submits, as per the latest instruction received, there is no male member in the family of the Petitioner to accompany her to attend the Court proceeding at Sundargarh. She being a destitute lady, having no source of income and having no male member to accompany her, it would be difficult on her part to travel such a long distance and attend the Court proceeding at Sundargarh. Accordingly, learned Counsel for the Petitioner prays for allowing the prayer for transfer of proceeding from Sundargarh to Padampur.

5. Per contra, learned Counsel for the Opposite Party, reiterating the objections raised in the counter affidavit submits, the Opposite Party-husband is working as a daily wage helper at M/s. Suraj Products Limited through a third-party vendor/contractor. It would be difficult on his part to attend the day-to-day proceeding at Padampur by taking frequent leave from his Employer, if the prayer made in the transfer petition is allowed. That apart, he has life threat if the proceeding is transferred to Padampur. Further, the Petitioner-wife is a skilled teacher and earns around Rs.30,000/- per month and the averments made in para-8 of the transfer petition that the Petitioner has no independent source of income and is totally dependent upon her widow mother for her survival is a blatant falsehood, intended to mislead this Court and evoke undue sympathy. The claim of financial hardship is a sham created solely to maintain this frivolous petition.

5.1. Since there is no specific pleading as to in which educational institution the Petitioner is working as a skilled teacher and what is the basis to plead so in the counter affidavit, learned Counsel for the Opposite Party is unable to answer the query made by this Court.

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 made by learned Counsel for the parties 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, Sundargarh is directed to transmit the case record in Matrimonial

Case No.50 of 2025 to the Court of learned Senior Civil Judge, Padampur 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 Matrimonial Case No.50 of 2025 from the Court of learned Senior Civil Judge, Sundargarh, the Court of learned Senior Civil Judge, Padampur shall re-register the said case, if so required, and proceed further in accordance with law giving due opportunity to both the parties.

10. Since the Opposite Party-husband is allegedly working in a private company at Barpali, Rajgangpur, for convenience of the parties, the learned Senior Civil Judge, Padampur 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 Senior Civil Judge, Padampur.

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 Matrimonial Case No.50 of 2025 and attend the Court of learned Senior Civil Judge, Padampur.

12. Both the parties are further directed not to seek for unnecessary adjournments and cooperate with the Court of learned Senior Civil Judge, Padampur, who shall do well to conclude the proceeding in Matrimonial Case No.50 of 2025 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 Senior Civil Judge, Padampur for compliance.

15. Interim order dated 17.12.2025 passed in I.A. No.451 of 2025 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, 19th November, 2025/ Kanhu

Signature Not Verified
Digitally Signed
Signed by: KANHU BEHERA
Designation: JUNIOR STENOGRAPHER
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 19-Nov-2026 18:29:00