

30.10.2015

This application under Section 24 of the Code of Civil Procedure has been filed to transfer C.P.No.294 of 2015 pending in the court of the learned Judge, Family Court, Balasore to the learned Civil Judge (Sr.Division), Karanjia.

Opposite party is the husband of the petitioner. He filed an application under Section 9 of the Hindu Marriage Act before the learned Judge, Family Court, Balasore, which was registered as C.P.No.294 of 2015. The grievance of the petitioner is that she is residing with her father along with her minor child at Mayurbhanj. She is apprehending danger to her life. She has no independent source of income. It will be very difficult on her part to attend the court of the learned Judge, Family Court, Balasore.

Heard learned counsel for the petitioner.

The apex Court in the case of Sumita Singh V. Kumar Sanjay and other, AIR 2002 SC 396 held that wife's convenience must be looked at while considering the application for transfer of the case.

Considering the submission advanced by the learned counsel for the petitioner and the averments made in the application, this Court is of the view that ends of justice would be best served, if the case is transferred from the court of the learned Judge, Family Court, Balasore to the learned Civil Judge (Sr.Division), Karanjia.

In view of the same, the learned Judge, Family Court, Balasore is directed to transmit C.P.No.294 of 2015 to the court of the learned Civil Judge (Sr.Division), Karanjia immediately after production of a certified copy of this order.

Since the order is passed at the stage of admission, the opposite party is at liberty to file an application for variance/recalling of the order, if he so likes.
With the aforesaid observation and direction, the TRP(C) is allowed.

Dr.A.K.Rath, J.