

TRP(C) NO.175 OF 2021

2 30.6.2021

This matter is taken up through Video Conferencing.

Heard Sri P.Choudhury, learned counsel for the Petitioner.

This Transfer Petition has been filed by the Petitioner-Wife seeking transfer of Civil Proceeding No.72 of 2021 from the Family Court, Bhadrak to the Family Court, Jajpur.

Sri Choudhury, learned counsel for the Petitioner referring to the grounds taken in this Petition submitted that the Petitioner is a resident of Baisapan, Jajpur. The summons in the case involved is also directed in the address of Jajpur. The Wife has also initiated a 125 proceeding involving the Husband in a Court at Jajpur itself, which is required to be attended by the Husband at Jajpur itself. For having no income, it is claimed that the Wife-Petitioner is unable to attend the Family Court, Bhadrak. In the circumstance, a request is made for transfer of Civil Proceeding No.72 of 2021 from the Family Court, Bhadrak to the Family Court, Jajpur.

Considering the submission of Sri Choudhury, learned counsel for the Petitioner and finding the pleadings support the aforesaid grounds and for pendency of a proceeding against the Husband-O.P. at the instance of the Wife in a Court at Jajpur, further for the hardship with the Wife in travelling all the way from Jajpur to Bhadrak, this Court feels it appropriate to direct transfer of Civil Proceeding No.72 of 2021 from the Family Court, Bhadrak to the Family Court, Jajpur.

The Petitioner is directed to serve a copy of this order on the learned Judge, Family Court, Kendrapara within ten days hence and on receiving this order, the Family Court, Bhadrak shall transmit the case records involving Civil Proceeding No.72 of 2021 within two weeks thereafter to the Family Court, Jajpur for its doing the needful. This Court also directs the learned Judge, Family Court, Jajpur to dispose of Civil Proceeding No.72 of 2021 within a period of nine months from the date of transmission of

the records. Upon receipt of the record, if the Family Court finds, the husband-Opposite Party fails to appear voluntarily, notice may be issued to the Husband-Opposite Party for appearing in the Proceeding.

This Court here records the undertaking of the Wife-Petitioner through her Counsel that she will not take unnecessary adjournments and will cooperate with the Family Court, Jajpur for timely disposal of the Civil Proceeding. Since this order is passed only hearing the learned counsel for the Wife-Petitioner, but however, taking into consideration the reasons assigned herein above, this Court permits the Husband-Opposite Party, in the event of hard necessity, may apply for modification of this order.

This order will be communicated to the Husband-Opposite Party at the cost of the Wife-Petitioner, for which requisites by way of Speed Post with A.D. shall be filed within a period of three working days hence.

With the above observation and direction, the Transfer Petition stands disposed of.

As restrictions due to the COVID-19 situation are continuing, learned counsel for the parties may utilise the soft copy of this order available in the High Court's Website or Print Out thereof at par with certified copies in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020 subject to it being attested by the Advocate concerned.

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Biswanath Rath, J.