



IN THE HIGH COURT OF ORISSA, CUTTACK

TRP(C) No.3 of 2026

Lipsa Nayak Petitioner

-Versus-

Satyajit Rout Opposite Party

For Petitioner : Ms. A. Tripathy, Advocate

For Opposite Party : Mr. S. Samal, Advocate

CORAM: JUSTICE SANJAY KUMAR MISHRA

Date of Hearing & Judgment: 02.07.2026

S.K. MISHRA, J.

This transfer petition has been preferred by the Petitioner-wife for transfer of proceeding in C.P. No.873 of 2025, now pending in the Court of learned Judge, Family Court-II, Bhubaneswar, to the Court of learned Judge, Family Court, Cuttack on the grounds detailed in the transfer petition.

2. Opposing to such prayer, the Opposite Party-husband has filed a Counter Affidavit. Since pleadings are complete and further proceeding in C.P. No.873 of 2025 has



been stayed since 09.01.2026 and the matter is ready for hearing, on consent of the learned counsel for the parties, the matter is taken up for hearing and disposal at the stage of admission.

3. Ms. Tripathy, learned Counsel for the Petitioner, reiterating the grounds urged in the transfer petition, submits that being noticed by the learned Court below, though she appeared in C.P. No.873 of 2025 through her counsel by executing Vakalatnama, she feels insecure to remain present before the learned Court below on each date of posting, as in the previous proceeding, i.e., C.P. No.492 of 2023, which was tried by the same Court at Bhubaneswar, she faced a lot of problems created by the Opposite Party-husband so also his family members by harassing her for which, she could not defend the said case effectively and lost the matter. She has preferred an Appeal, which being registered as MATA No.248 of 2025, pending for adjudication before this Court.

4. Learned Counsel for the Petitioner further submits that, after her desertion, the Petitioner is now staying with



her old and ailing parents at Mahanadi Bihar, Cuttack. As they are old and ailing persons, they are unable to accompany her for attending the day-to-day proceedings before the Family Court-II, Bhubaneswar on each date. She further submits that, after suffering a miscarriage, the Petitioner is not only physically weak, but also suffers from mental agony. Such averments made in the transfer petition regarding weakness after miscarriage and staying with the old and ailing parents have not been denied in the Counter Affidavit.

5. Apart from the above, although it has not been specifically pleaded in the transfer petition, on being asked by the Court, the learned Counsel for the Petitioner fairly submits that the Petitioner was unemployed earlier. However, as per the instruction received, recently she has joined a private organization and has been permitted to work from home and is earning only a scanty amount. It would be difficult on her part to meet her day-to-day expenses so also travelling and other legal expenses to defend her case properly at Bhubaneswar.



6. She further submits that since the father of the Petitioner is an old and ailing person and she is staying with her parents at Mahanadi Bihar, Cuttack, it would be more convenient for her to defend the said case in CP No.873 of 2025, if it is transferred to the Court of learned Judge, Family Court, Cuttack.

7. Per contra, learned Counsel for the Opposite Party-Husband, apart from denying all the allegations made in the transfer petition regarding harassing and terrorizing the Petitioner, as has been detailed in the Counter Affidavit, submits that the distance between the Court of learned Judge, Family Court-II, Bhubaneswar and the Court of learned Judge, Family Court, Cuttack is hardly 30 Kms. There would be absolutely no inconvenience for the Petitioner to travel from Mahanadi Bihar to Family Court-II, Bhubaneswar, having the option of all possible modes of transportation to travel.

8. He further submits that the Petitioner has already contested one case before the learned Judge, Family Court-II, Bhubaneswar. Though it has been stated in the Counter



that the Petitioner is presently employed in an IT company and has an independent source of income, on being asked, learned Counsel for the Opposite Party submits that he has no specific instruction regarding the basis of such pleadings made in the Counter Affidavit. However, he submits that the Petitioner is fully competent to pursue the case at Bhubaneswar. Although, it has not been specifically pleaded in the Counter Affidavit, on being asked, learned counsel for the Opposite Party-Husband fairly submits that the Opposite Party is at present serving as the Branch Manager of Bank of Maharashtra, Rayagada Branch, at Rayagada.

9. Though it has not been specifically stated in the Counter Affidavit, learned Counsel for the Opposite Party submits that since his client is a bank officer and is at present posted at Rayagada, which is around 400 Kms away from Cuttack, it would be difficult on his part to take leave and attend the day to day proceedings at Cuttack.

10. Law is well settled that while considering application for transfer of matrimonial proceedings, convenience of wife must be looked at. In the case of **(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)

11. After going through the pleadings on record, considering the submissions made by the learned Counsel for the parties and taking note of the settled position of law, as detailed above, this Court is inclined to allow the prayer made in the transfer petition.

12. Accordingly, the learned Judge, Family Court-II, Bhubaneswar is directed to transmit the case record in CP No.873 of 2025 to the Court of learned Judge, Family Court,



Cuttack within a period of seven days from the date of production of certified copy of this Judgment.

13. On receiving the case record in CP No.873 of 2025 from the learned Judge, Family Court-II, Bhubaneswar, the Court of learned Judge, Family Court, Cuttack shall re-register the said case, if so required, and proceed further in accordance with law giving due opportunity of hearing to both the parties. The learned Judge, Family Court, Cuttack shall do well to conclude the proceeding at the earliest, preferably by the end of December, 2026.

14. After transfer of proceeding to Cuttack, to avoid delay and notice, both the parties, either in person or through their Counsel, shall make a query with the Court of learned Judge, Family Court, Cuttack to ascertain the date and purpose of posting of CP No.873 of 2025 and participate in the said proceeding.

15. Since the matter has been targeted on request of learned counsel for both the parties, the parties are directed not to seek for unnecessary adjournments and cooperate



with the learned Judge, Family Court, Cuttack for early disposal of CP No.873 of 2025.

16. For convenience of parties, including the Opposite Party-husband, who is presently stated to be posted at Rayagada and serving as the Branch Manager of a nationalised bank so also for speedy trial of the case, it is made clear that both the parties will be at liberty to appear before the learned Judge, Family Court, Cuttack 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.

17. The learned Judge, Family Court, Cuttack 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 Orissa High Court Video Conferencing for Courts Rules, 2020. 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 learned 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, Cuttack.

18. With the aforesaid observation and direction, the transfer petition stands disposed of.

19. Office is directed to immediately communicate a copy of this order to the Court of learned Judge, Family Court-II, Bhubaneswar so also the Court of learned Judge, Family Court, Cuttack enabling the said Courts to act in terms of the observations made above.

20. Interim order, if any, stands vacated.

21. 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, 03.07.2026/ Mona*

Signature Not Verified

Digitally Signed
Signed by: MONALISA SWAIN
Reason: Authentication
Location: High Court of Orissa
Date: 03-Jul-2026 19:08:33

