



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**TRP(C) No.23 of 2025**

**Chinmayee Kar** ... .. ***Petitioner***

*-Versus-*

**Biranchi Narayan Rath** ... .. ***Opp. Party***

**Advocates appeared in this case:**

For Petitioner: Mr. G.R. Dhal, Advocate

For Opp. Party: Mr. D. K. Behera, Advocate

**CORAM:**

**THE HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO**

**J U D G M E N T**

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***Decided on 23.03.2026***  
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***MRUGANKA SEKHAR SAHOO, J.***

1. The matter is listed 'For Orders' taken up for hearing in Hybrid Mode, and is heard finally as agreed upon by the learned counsel for the parties.

2. The petitioner-wife in the marriage and the husband-opposite party in the marriage have filed application before the learned Judge, Family Court, Khurda, Bhubaneswar together in a joint petition, supported by affidavits of both,



U/s.13-B of the Hindu Marriage Act,1955 seeking divorce by mutual consent.

**3.** As has been stated in the said petition, marriage between the parties was solemnized on 13.07.2023 at Bhubaneswar. The parties have stated the reasons for agreeing to file mutual petition seeking dissolution of marriage. The said petition has been registered as C.P. No.531 of 2024 pending before the learned Judge, Family Court, Bhubaneswar.

**4.** Thereafter, as the events are unfolded C.P. No. 291 of 2024 has been filed by the husband in the marriage U/s.9 of the Hindu Marriage Act read with Section 7 of the Family Courts Act before the learned Judge, Family Court, Jagatsinghpur seeking restitution of conjugal rights.

**5.** The petition before the learned Judge, Family Court, Jagatsinghpur has been filed on 05.11.2024. Notices have been issued on 09.12.2024 fixing date of appearance of the opposite party-wife in the marriage on 19.01.2025.

**6.** By interim order dated 10.02.2025 in I.A. No.20 of 2025, the coordinate Bench had stayed the further proceeding of the said C.P. No.291 of 2024 before the learned Judge, Family Court, Jagatsinghpur.

Pursuant to the notice issued by order dated 10.02.2025, opposite party-husband in the marriage has appeared in the present application which has been filed by the wife in the marriage U/s.24 of the Code of Civil Procedure, 1908 seeking transfer of the C.P. No.291 of 2024 pending before the learned Judge, Family Court,



Jagatsinghpur to the court of learned Judge, Family Court, Khurda at Bhubaneswar.

**7.** Learned counsel for the parties have been heard at some length.

**8.** The pendency of both the cases is not disputed. It is also not disputed that the husband in the marriage had filed C.P. No.531 of 2024 along with the wife i.e. a mutual petition U/s.13-B supported by affidavits dated 29.07.2024. The said C.P. is pending before the learned Judge, Family Court, Bhubaneswar. Thereafter subsequently the petition before the learned Judge, Family Court, Jagatsinghpur has been filed U/s.9 of the Hindu Marriage Act seeking restitution of conjugal rights on 05.11.2024.

**9.** In the aforesaid premises, in the interest of justice both the petitions should be taken up at one place before one Court. In the case at hand, the 13-B application having been filed pending before the learned Judge, Family Court, Bhubaneswar; it is directed that C.P. No.291 of 2024 pending before the learned Judge, Family Court, Jagatsinghpur shall be transferred to the Court of learned Judge, Family Court, Khurda Bhubaneswar to be taken up along with C.P. No.531 of 2024.

**10.** Copy of this order shall be forwarded by the Registry to the learned Judge, Family Court, Bhubaneswar as well as the learned Judge, Family Court, Jagatsinghpur.

The learned counsel for the parties shall also have the liberty to produce the certified copy of this order before the respective Courts for appropriate further orders/action.



**11.** Since the matter is pending from the year 2024 the parties are directed to cooperate in prosecuting both the matters before the learned Judge, Family Court, Khurda at Bhubaneswar with due diligence.

This Court has not expressed any opinion regarding any of the contentions raised by the parties in both the CPs directed to be taken up by the learned Judge, Family Court, Bhubaneswar.

**12.** The petition is allowed and disposed of accordingly.

Certified copy (ies) filed along with the present petition is/are permitted to be taken back by substituting the same with attested photocopy (ies).

***(Mruganka Sekhar Sahoo)***  
***Judge***

*Orissa High Court, Cuttack*  
*The 23<sup>rd</sup> March, 2026/Radha*