



2. As, vide order dated 12.02.2026, notice on the Opposite Party was held to be sufficient and the transfer petition is pending since 2023, on being prayed by the learned Counsel for the Petitioner, the transfer petition is taken up for hearing and disposal at the stage of admission, in absence of the Opposite Party.

3. This transfer petition has been preferred by the Petitioner-wife for transfer of MAT Suit No.05 of 2021 filed by the Opposite Party-husband under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights, pending in the Court of learned Civil Judge (Sr. Division), Titilagarh, to the competent Civil Court at Patnagarh in the district of Bolangir.

4. Heard learned Counsel for the Petitioner-wife.

5. 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 parents at Khaprakhol in the district of Bolangir along with her minor son, who is around 8 years old. She being a deserted lady, having no source of income, is totally dependent on her parents for her livelihood. There is no male member in her family to accompany her to attend the day-to-day proceeding at Titilagarh. That apart, there is no direct communication to Titilagarh from Khaprakhol.



The distance from her parental house at Khaprakhol to the Court at Titilagarh would be around 100 kms. She being a helpless lady, having no source of income, it would be difficult on her part to attend the day to-day-proceeding at Titilagarh by traveling such a long distance along with her minor son.

6. Law is well settled that in matrimonial proceeding 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.**”*

(Emphasis supplied)



7. After going through the pleadings made in the transfer petition so also taking note of the submission made by the learned Counsel for the Petitioner and the settled position of law, this Court is inclined to allow the prayer made in the transfer petition.

8. Though a prayer has been made for transfer of proceeding in MAT Suit No.05 of 2021 from the Court of Civil Judge (Sr. Division), Titilagarh to the competent Civil Court at Patnagarh in the district of Bolangir, on being asked, learned Counsel for the Petitioner submits, as per the instruction received, the learned Civil Judge (Sr. Division), Patnagarh is competent to hear Section 9 application under the Hindu Marriage Act, 1955.

9. Hence, the learned Civil Judge (Sr. Division), Titilagarh is directed to transmit the case record in MAT Suit No.05 of 2021 to the Court of learned Civil Judge (Sr. Division), Patnagarh at the earliest, preferably within a period of one week from the date of production of certified copy of this judgment.

10. On receiving the case record in MAT Suit No.05 of 2021 from the Court of learned Civil Judge (Sr. Division), Titilagarh, the Court of learned Civil Judge (Sr. Division), Patnagarh shall re-register the said case, if so required, and proceed further in accordance with law giving due opportunity to both the parties.



11. For convenience of the parties, the learned Civil Judge (Sr. Division), Patnagarh 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 the Orissa High Court Video Conferencing for Courts Rules, 2020, 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 parties presence may be required by the Court and if it is so ordered, the parties shall remain physically present before the learned Civil Judge (Sr. Division), Patnagarh.

12. Both the parties are directed not to ask for unnecessary adjournments and cooperate with the learned Civil Judge (Sr. Division), Patnagarh, who shall do well to conclude the proceeding in MAT Suit No.05 of 2021 at the earliest, preferably within a period of six months from the date of receipt of the record from the Court of learned Civil Judge (Sr. Division), Titilagarh.

13. With the said observation and direction, the transfer petition stands disposed of.

14. Interim order dated 18.05.2023 passed in I.A. No.69 of 2023 stands vacated.



15. Office is directed to communicate a copy of this judgment to the Court of learned Civil Judge (Sr. Division), Titilagarh so also the learned Civil Judge (Sr. Division), Patnagarh for compliance.

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 March, 2026/ Kanhu*

Signature Not Verified

Digitally Signed
Signed by: KANHU BEHERA
Designation: JUNIOR STENOGRAPHER
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK.
Date: 20-Mar-2026 18:31:49