



IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.119 of 2026

Nibedita Panda

....

Petitioner

Mr. Surendra Mohanty, Advocate

-versus-

Alok Kumar Mahapatra

....

Opp. Party

CORAM:

JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

05.05.2026

(Hybrid Mode)

Order No.

01.

1. The wife in the marriage is before this Court seeking transfer of the C.P. No.26 of 2026 pending before the learned Judge, Family Court, Jharsuguda to the court of learned Judge, Family Court, Sambalpur. The C.P has been filed U/s.9 of the Hindu Marriage Act, 1955 by the husband in the marriage seeking restitution of conjugal rights.

2. Mr. Mohanty, learned counsel appears at Virtual Court of Orissa High Court at Sambalpur and addresses arguments. It is submitted by the learned counsel for the petitioner that the present petitioner-wife has filed two criminal cases against the husband, those are pending at Sambalpur, those are G.R. Case No.48 of 2024 before the learned SDJM, Sambalpur



U/s.498-A of IPC and petition U/s.144 of BNSS, 2023 seeking maintenance.

It is submitted by the learned counsel for the petitioner that since all the cases filed by the wife is pending at Sambalpur, the application for restitution of conjugal rights filed by the husband has to be transferred to Sambalpur.

3. The learned counsel for the petitioner is apprised of the provisions contained in Section 19 of the Hindu Marriage Act, 1955, Section 7 of the Family Courts Act, 1984 and Sections 9 & 24 of the Code of Civil Procedure, 1908.

4. In prima facie view of this Court, reading of all the provisions indicated above does not lead to a conclusion that the civil proceeding has to be transferred to a place, where the wife has lodged criminal cases. The wife filing criminal cases also shows that she is able to appear before different Courts as she has to substantiate the cases filed by her by filing her pleadings, evidence etc.

5. Learned counsel for the petitioner has adjournment to address further.

6. The matter shall be listed for 'Fresh Admission' in the week commencing 29.06.2026.

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Signed by: RADHARAN JENA
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Date: 06-May-2026 18:30:13



(Mruganka Sekhar Sahoo)
Judge