



IN THE HIGH COURT OF ORISSA, CUTTACK

TRPCRL No.62 of 2025

Lambita Jena & another

Petitioners

-Versus-

Bhaskar Chandra
Ghadai

.....

Opposite Party

For Petitioners : Mr. D. K. Panda, Advocate

For Opposite Party : Mr. S. K. Rout, Advocate

CORAM: JUSTICE SANJAY KUMAR MISHRA

Date of Hearing & Judgment: 18.12.2025

S.K. MISHRA, J.

This transfer petition has been preferred by the Petitioner-wife, who is also the Petitioner in CRP No.36 of 2020, now pending in the Court of learned Judge, Family Court-II, Bhubaneswar, for transfer of the said proceeding from the Court of learned Judge Family Court-II Bhubaneswar to the Court of learned Judge, Family Court, Puri on the grounds detailed in the transfer petition.

2. On being noticed, the Opposite Party-husband has filed an objection opposing to such prayer for transfer. Since



pleadings are complete, with the consent of the learned Counsel for the parties, the transfer petition is taken up for hearing and disposal at the stage of admission.

3. Heard learned Counsel for the parties.

4. Learned Counsel for the Petitioners, reiterating the grounds urged in the transfer petition submits, though the Petitioners preferred CRP No.36 of 2020 for maintenance at Bhubaneswar, subsequently, after her desertion, she had to shift to Puri. At present, she as well as her minor son, who is around seven years old, are staying with her old ailing parents at Village Bolakana, P.O. Gualipada, P.S.-Delanga in the District of Puri. That apart, she has no source of income, and she is dependent on her parents for the maintenance of herself so also her minor son.

4.1. The Opposite Party-husband is a regular practitioner at the Bhubaneswar Bar Association. During pendency of the said proceeding, the Opposite Party-husband threatened the Petitioner to withdraw the case, failing which she would face dire consequences. There is a life threat to her if she attends the proceeding in CRP No.36 of 2020 at Bhubaneswar.



4.2. Further, the Petitioner filed an application under Section 12 of the PWDV Act, which was registered as ICC No.142 of 2022 before the learned SDJM, Puri, which stood disposed of on 16.08.2023. Thereafter due to non-compliance of the said order, the Petitioner has initiated an execution proceeding vide Execution Case No.98 of 2023 before the learned SDJM, Puri. The Opposite Party has challenged the said order dated 16.08.2023 passed in ICC No.142 of 2022 before the learned District and Sessions Judge, Puri, vide Criminal Appeal No.22 of 2023 and is pursuing both the said cases at Puri. Because of the incidents, which occurred after initiation of the proceeding for maintenance, the Petitioner has also lodged FIRs before the IIC, Jatni.

4.3. The Petitioner is a destitute lady. She apprehends serious threat to her life so also to the life of her minor child. It would be difficult on her part to travel to Bhubaneswar on each and every day by travelling around 50 KMs, along with her minor son to pursue CRP No.36 of 2020.

4.4. Learned Counsel for the Petitioner further submits, the Opposite Party is an antisocial person of the locality



having goons as his friends and even having political contacts and is always in a grudge with the Petitioner-wife. That apart, his family members are also threatening the Petitioner with dire consequences when she attends the proceeding at Bhubaneswar.

4.5. Learned Counsel for the Petitioner, relying on the Judgment in ***Pratibha Khemka Vs. Sanjay Kumar Khemka***, reported in 2004(13) SCC 686 submits that while considering application for transfer of matrimonial proceedings, the paramount consideration would be the convenience of the wife .

5. Per contra, learned Counsel for the Opposite Party-husband submits that all the allegations made in the transfer petition are false and baseless. He further submits that at the instance of the Petitioner, three FIRs were lodged at Jatni, vide PS Case No.24 of 2020, 208 of 2021 & 185 of 2025. One of the said cases i.e. PS Case No.208 of 2021, corresponding to GR Case No.222 of 2021 stood disposed of on acquittal. He further submits, the Petitioner has stated in the application for maintenance that the cause of action arose at Bhubaneswar and therefore, she filed CRP No.36 of



2020 at Bhubaneswar. Hence, the proceeding should not be transferred to Puri as prayed for.

6. Taking into consideration the grounds urged in the transfer petition, submissions made by the learned Counsel for the parties and the settled position of law, more particularly the admitted fact that the Opposite Party-husband is a practicing lawyer of Bhubaneswar Bar Association, this Court is inclined to allow the prayer made in the transfer petition.

7. Accordingly, the learned Judge, Family Court-II, Bhubaneswar is directed to transmit the case record in CRP No.36 of 2020 to the Court of learned Judge, Family Court, Puri at the earliest preferably, within a period of one week from the date of production of certified copy of this Judgment.

8. On receiving the case record in CRP No.36 of 2020 from the Judge, Family Court, Bhubaneswar-II, the Court of learned Judge, Family Court, Puri shall re-register the said case, if so required, and proceed further in accordance with law giving due opportunity to both the parties.



9. It is made clear that both the parties will be at liberty to appear before the learned Judge, Family Court, Puri 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. The learned Judge, Family Court, Puri 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 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, Puri.

10. After transfer of proceeding, 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, Puri to ascertain the date and purpose



of posting of CRP NO.36 of 2020 and participate in the said proceeding.

11. Since the case is of the year 2020, wherein a prayer for maintenance has been made by the Petitioner-wife, the learned Judge, Family Court, Puri shall do well to dispose of the said case at the earliest, preferably within a period of six months from the date of receipt of record from the Court of learned Judge, Family Court, Bhubaneswar-II.

12. Both the parties are directed not to seek for unnecessary adjournments and cooperate with the learned Judge, Family Court, Puri for early disposal of CRP No.36 of 2020.

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

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

15. Interim order ,if any, stands vacated.



16. Urgent certified copy of this Judgment be granted on proper application as per rules.

.....
S.K. Mishra, J.

*Orissa High Court, Cuttack.
Dated, 18th December, 2025/ Mona*

Signature Not Verified

Digitally Signed
Signed by: MONALISA SWAIN
Reason: Authentication
Location: High Court of Orissa
Date: 20-Dec-2025 13:15:23

