



IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.274 of 2024

Anusaya Rout

....

Petitioner

*Mr. G. N. Rout, Proxy Counsel
on behalf of Mr. D.K. Pani, Adv.*

-versus-

Deepak Rout

....

Opposite Party

Ms. A. Ray, Adv.

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

07.11.2024

Order No.

03.

This matter is taken up through hybrid mode.

2. Heard learned Counsel for the parties.

3. This Transfer Petition has been filed by the Petitioner, who is the wife of Opposite Party, for transfer of proceeding in C.P. No.230 of 2023, pending in the Court of Judge, Family Court, Kendrapara, to the Court of Judge, Family Court, Jagatsinghpur for trial. A further prayer has been made for adjudication of the said case along with CRL.P. No.35 of 2024, which has been filed under Section 125 Cr.P.C. by the Petitioner against the present Opposite Party, now pending in the Court of Judge, Family Court, Jagatsinghpur. Such a prayer has been made on the ground detailed in paragraphs-8, 9 & 10 of the Transfer Petition.

4. Though no written objection/counter has been filed opposing to such prayer, learned Counsel for the Opposite Party-Husband submits, her client, after receiving notice in CRL.P. No.35 of 2024 from the Court of Judge, Family



Court, Jagatsinghpur, approached this Court in TRPCRL No.49 of 2024 for transfer of the said proceeding to the Judge, Family Court, Kendrapara. Though the said TRPCRL stood dismissed vide order dated 06.09.2024, but the coordinate Bench of this Court gave liberty to the Opposite Party-Husband to appear through virtual mode by seeking necessary permission of the concerned Court.

5. Learned Counsel for the Opposite Party further submits, instead of transferring C.P. No.230 of 2023 filed by her client to the Court of Judge, Family Court, Jagatsinghpur, the present Petitioner, who is the Opposite Party in the said proceeding, be granted liberty to appear through virtual mode, as was ordered in TRPCRL No.49 of 2024.

6. However, in view of the reasons detailed in the Transfer Petition, this Court is not inclined to accept the said submission made by the learned Counsel for the Opposite Party.

7. Accordingly, the Transfer Petition stands allowed and disposed of directing the Judge, Family Court, Kendrapara to transmit the case record in C.P. No.230 of 2023 to the Court of Judge, Family Court, Jagatsinghpur, at the earliest, preferably within a period of ten days from the date of production of the certified copy of this order.

8. On receiving the case record in C.P. No.230 of 2023 from the Court of Judge, Family Court, Kendrapara, the Judge, Family Court, Jagatsinghpur shall re-register the said case, if so required, and tag the same to the case record in CRL. P. No.35 of 2024 and proceed further in accordance with law giving due opportunity to both the parties and conclude both the proceedings at the earliest,



preferably within a period of six months from the date of receipt of the record in C.P. No.230 of 2023.

9. It is made clear that both the parties will be at liberty to appear before the Judge, Family Court, Jagatsinghpur 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. However, on the dates of effecting hearing i.e for examination and cross-examination of witnesses, if so required by the Court, the parties with their witnesses shall remain physically present before the Judge, Family Court, Jagatsinghpur.

10. Office is directed to communicate a copy of this order to the Judge, Family Court, Kendrapara so also the Judge, Family Court, Jagatsinghpur enabling the said Courts to act in terms of the observation made above.

11. Urgent certified copy of this order be granted on proper application as per rules.

Kanhu

(S.K. Mishra)
Judge