



IN THE HIGH COURT OF ORISSA, CUTTACK

TRP(C) No.361 of 2025

CNR No.ODHC010732562025

Sunita Naik @ Bagh Petitioner
-Versus-
Sushanta Kumar Bagh Opposite Party

Advocate for the parties

**For Petitioner : Mr. Niroj Kumar Singh,
Proxy Counsel
On behalf of
Ms. S. Mohapatra, Advocate**

**For Opposite Party : Mr. Ghanashyam Muduli,
Advocate**

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CORAM: JUSTICE SANJAY KUMAR MISHRA

Date of Hearing & Judgment: 27.08.2026

S.K. MISHRA, J.

1. This transfer petition has been preferred by the Petitioner-wife under Section 24 of the C.P.C. for transfer of C.P. No.159 of 2025, filed by the present Opposite Party-husband under Section 13(1)(ia) of the Hindu Marriage Act, 1955 and Section 27(d) of the Special Marriage Act, 1954, R/w. Section 7 of



the Family Courts Act, 1984 for divorce, pending before the Court of learned Judge, Family Court, Rourkela, to the Court of learned Judge, Family Court, Cuttack on the grounds detailed in the transfer petition.

2. Though four weeks' time was granted vide order dated 18.12.2025 to file objection to the transfer petition, till date no objection has been filed by the Opposite Party-husband opposing to the prayer made in the transfer petition.

3. However, on consent of learned Counsel for the parties, the transfer petition is taken up for hearing and disposal at the stage of admission, permitting the learned Counsel for the Opposite Party to have his oral objection to the prayer for transfer.

4. Heard learned Counsel for the parties.

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 mother at her parental house at Athgarh in the district of Cuttack and living a miserable life. That apart, the Petitioner has no source of income to maintain her livelihood and is fully dependent on her mother, who is old and ailing. That apart, the distance between Athgarh to the Court of learned Judge, Family Court, Rourkela would be around 275 K.Ms. Hence, she being a deserted lady,



having no source of income so also staying with her mother at Atgarh in the district of Cuttack, it would be convenient for her to attend the day-to-day proceeding at Cuttack, if her prayer is allowed by this Court.

6. Per contra, learned Counsel for the Opposite Party-husband submits, as per the instruction received, the Opposite Party-husband is serving in a private company as an Electrical Engineer. It would be difficult on his part to attend the day-to-day proceeding before the Court of learned Judge, Family Court, Cuttack by taking leave frequently from the Employer. However, if this Court intends to allow the prayer for transfer, the Opposite Party-husband be permitted to appear through virtual mode, if he faces any difficulty on any date to appear physically before the learned Judge, Family Court, Cuttack.

7. Law is well settled that, while dealing with transfer petitions in matrimonial cases, 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)

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

9. Accordingly, the learned Judge, Family Court, Rourkela is directed to transmit the case record in C.P No.159 of 2025 to the Court of learned Judge, Family Court, Cuttack 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 C.P No.159 of 2025 from the Court of learned Judge, Family Court, Rourkela, the Court of learned Judge, Family Court, Cuttack 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 Court of learned Judge, Family Court, Cuttack 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 their presence may be required by the Court below and if it is so ordered, the parties shall remain physically present before the Court of learned Judge, Family Court, Cuttack.

12. To avoid delay and notice, the parties are directed to make a query themselves or through their counsel regarding the date and purpose of posting of C.P No.159 of 2025 and attend the Court of learned Judge, Family Court, Cuttack.

13. Both the parties are further directed not to seek for unnecessary adjournments and cooperate with the Court of



learned Judge, Family Court, Cuttack, who shall do well to conclude the proceeding in C.P No.159 of 2025 at the earliest.

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

15. Office is directed to communicate a copy of this Judgment to the Court of learned Judge, Family Court, Rourkela so also the Court of learned Judge, Family Court, Cuttack for compliance.

16. Interim order dated 22.10.2025 passed in I.A. No.384 of 2025 stands vacated.

17. 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, 27th August, 2026/ Kanhu