



IN THE HIGH COURT OF ORISSA AT CUTTACK

TRPC No. 323 of 2024

Mamata Debnath @ Nayak **Petitioner**

Mr. M.K. Mohanty, Advocate

-versus-

Alok Nayak **Opp. Party**

Mr. Arijeet Mishra, Advocate

**CORAM:
JUSTICE M.S.SAHOO**

**ORDER
25.04.2025
Hybrid Mode**

Order No.

09.

1. The petitioner has filed the petition under section 24 of the CPC for transfer of the CP No. 246 of 2018 pending before the learned Judge, Family Court, Kendrapara. It is submitted by Mr. Mishra, learned counsel appearing for the opposite party, also agreed by learned counsel appearing for the petitioner that the C.P. suit was targeted earlier by this Court in order dated 15.03.2022 in W.P.(C) No. 6173 of 2022 to be disposed of as expeditiously as possible.



Somehow the matter is lingering before learned Judge, Family Court, Kendrapara.

2. It is submitted by learned counsel for petitioner that the petitioner is prosecuting her studies, has a small child, stays at Balasore at present. She has to travel to Kendrapara and faces difficulty in attending the matter in Court. She has attended Court on several occasions and the opposite party has chosen not to cross-examine her after her examination in chief.

3. The learned counsel Mr. Mishra for the opposite party submits that cross-examination has been done as would be evident from the order-sheet, certified copy of which he produces. On 16.01.2024 and 29.1.2024 the petitioner was cross-examined. The order-sheet is also shown to the learned counsel for the petitioner, Mr. Mohanty. Mr. Mohanty submits that the order sheet is also shown to the learned counsel for the petitioner.

Thereafter the matter has not proceeded the cross-examination was deferred on 21.09.2024 on filing of time petition by the petitioner-wife.



4. This Court takes note of the earlier order passed by the coordinate Bench to expedite the matter and requests learned counsel for the appearing parties to agree for the dates of appearance of the petitioner and completion of the cross-examination before learned Judge, Family Court, Kendrapara.

5. It is further submitted by learned counsel for petitioner that substantial amount is due towards the petitioner. She has not been paid maintenance, uptodate as per order dated 01.08.2020 passed by coordinate Bench in W.P.(C) No. 7809 of 2020.

6. Learned counsel for the opposite party fairly submits that not dispute the same but he says he shall obtain instruction regarding the amount due and whether the uptodate maintenance has been paid or not.

7. It is expected that opposite party shall comply with the order dated 01.08.2020 regarding payment of maintenance.

8. It would be in the interest of the opposite party that since there is already an order directing for payment of



maintenance and the petitioner-wife is having difficulty in maintaining her and her child and had to travel for attending the case, he pays a lump sum amount regarding which learned counsel Mr. Mishra also shall obtain instruction.

9. On consent list on 08.05.2025. On the said date endeavour shall be made for disposing the petition. Interim order to continue till 12.05.2025.

(M.S.Sahoo)
Judge

dutta