



IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.372 of 2023

***Kalpana Mangaraj @
Samantaray*** ***Petitioner***

Mr. Jyotirmaya Sahoo, Advocate

-versus-

Satyaban Mangaraj ***Opposite Party***

None

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

22.08.2025

Order No.

16.

This matter is taken up through hybrid mode.

2. Mr. Sahoo, learned Counsel for the Petitioner is present.

3. Pursuant to order dated 15.07.2025, the learned Judge, Family Court, Bhubaneswar has submitted a compliance report vide letter No.378 dated 06.08.2025, wherefrom it is revealed that order dated 15.07.2025 passed by this Court was duly communicated to Ms. Swetapadma Priyadarsini, learned Counsel for the Opposite Party, who represents him in C.P. No.687 of 2023. Still the Opposite Party goes unrepresented when the matter is called.

4. Hence, on being prayed by the learned Counsel for the Petitioner-wife, the transfer petition is taken up for hearing and final disposal in absence of the Opposite Party.



5. This transfer petition has been filed by the Petitioner-wife for transfer of proceeding in C.P. No.687 of 2023 preferred by the Opposite Party-husband, now pending in the Court of learned Judge, Family Court-I, Bhubaneswar, to the Court of learned Judge, Family Court, Khordha on the grounds detailed in the Transfer Petition.

6. Heard Mr. Sahoo, learned Counsel for the Petitioner.

7. Reiterating the grounds pleaded in the transfer petition, learned Counsel for the Petitioner-wife submits, at the instance of the Petitioner-wife, Crl.P. No.315 of 2023 filed under Section 125 of Cr.P.C. for maintenance is now pending before the learned Judge, Family Court, Khordha for consideration. G.R. case is also now pending in the Court of learned S.D.J.M., Khordha, pursuant to an FIR lodged by the Petitioner-wife before the Khordha Sadar P.S. vide P.S. Case No.180 of 2021. She has a minor daughter and being a jobless person, having no source of income, it would be difficult on her part to attend the day-to-day proceeding before the learned Judge, Family Court-I, Bhubaneswar. That apart, there is every possibility of life risk to attend the Court at Bhubaneswar, as her in-laws are residents of Bhubaneswar. The distance between Khordha to Bhubaneswar is more than 30 K.Ms. She being a deserted lady, having a minor girl, it would be difficult on her part to attend the day to day proceeding at Bhubaneswar. Hence, learned Counsel for the Petitioner prays for transfer of proceeding from Bhubaneswar to Khordha.

8. 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)

9. Despite giving sufficient opportunity, the Opposite Party failed to appear in this case to oppose the prayer for transfer. However, in view of the reasons detailed in the transfer petition, submission made by learned Counsel for the Petitioner-wife and the settled position of law, this Court is inclined to allow the prayer made in the transfer petition.

10. The learned Judge, Family Court-I, Bhubaneswar is directed to transmit the case record in C.P. No.687 of 2023 to the Court of learned Judge, Family Court, Khordha at the earliest, preferably within a period of one week from the date of production of certified copy of this order.



11. On receiving the case record in C.P. No.687 of 2023 from the Court of learned Judge, Family Court-I, Bhubaneswar, the Court of learned Judge, Family Court, Khordha shall re-register the said case, if so required, and proceed further in accordance with law giving due opportunity to both the parties.

12. The learned Judge, Family Court, Khordha 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. 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 shall remain physically present before the learned Judge, Family Court, Khordha.

13. To avoid delay, the parties are directed not to ask for unnecessary adjournments in C.P. No.687 of 2023 and cooperate with the learned Judge, Family Court, Khordha, who shall do well to conclude the said proceeding 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-I, Bhubaneswar.

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

15. Office is directed to communicate a copy of this order to the Court of learned Judge, Family Court-I, Bhubaneswar so also the learned Judge, Family Court, Khordha for compliance.

16. Interim order dated 20.08.2024 passed in I.A. No.385



of 2023 stands vacated.

17. Urgent certified copy of this order be granted as per rules.

Kanhu

(S.K. Mishra)
Judge

Signature Not Verified

Digitally Signed
Signed by: KANHU BEHERA
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 22-Aug-2025 15:36:38

