



IN THE HIGH COURT OF ORISSA AT CUTTACK

TRPCRL No.117 of 2024

Anirudha Patra

....

Petitioner

Mr. Biswaranjan Dalai, Advocate

-versus-

Soumya Das

....

Opp. Party

Mr. S.K. Das, Advocate

CORAM:

JUSTICE M.S. SAHOO

ORDER

03.05.2025

(Hybrid Mode)

Order No.

05.

1. Heard learned counsel for the petitioner and the learned counsel appearing for the opposite party.

2. The petitioner in the petition seeks transfer of C.R.P. No.83 of 2024 pending before the learned Judge, Family Court, Bhubaneswar to the learned Judge, Family Court, Jagatsinghpur. C.R.P. No.83 of 2024 has been filed by the wife before the learned Judge, Family Court, Bhubaneswar under Section 125 of the Cr.P.C. (since repealed).

3. The procedure for proceeding under section 125 of the Cr.P.C. is prescribed in Section 126 of the Cr.P.C. The Section 126 of the Cr. P.C. is reproduced herein:

“126. Procedure.- (1) Proceedings under section 125 may be taken against any person in any district—

(a) where he is, or

(b) where he or his wife resides, or

(c) where he last resided with his wife, or as the case may be, with the mother of the illegitimate child.

xxx

xxx

xxx

xxx”



4. On being asked whether the provision in Section 126 regarding place of initiating the proceeding is in any manner has been violated, the learned counsel for the petitioner submits that the address of residence of the petitioner given in the petition at Bhubaneswar is not correct. However, it is not disputed that the wife has given her address at Bhubaneswar, the C.R.P. petition under Section 125 of the Cr. P. C. has been filed before the learned Judge, Family Court, Bhubaneswar having jurisdiction.

5. In view of the clear statutory mandate as provided in Section 126 of the Cr. P.C., the prayer for transfer of the petition under Section 125 of the Cr. P.C. i.e. C.R.P. No.83 of 2024 from the court of learned Judge, Family Court, Bhubaneswar to the court of learned Judge, Family Court, Jagatsinghpur is rejected.

6. The learned counsel for the petitioner submits that the husband may be allowed to utilize the Information and Communication Technology (ICT) facility available. The facility such as virtual Court, virtual hearing etc. for which husband shall move the court in seisin of the matter. If any such prayer is made, the Court shall pass orders in accordance with law for extending the ICT facilities for conducting hearing of the case to either of the parties.

7. The petition stands disposed of.

(M.S. Sahoo)
Judge

Signature Not Verified

Digitally Signed by: JYOSTNARANI MAJHEE
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