



IN THE HIGH COURT OF ORISSA, CUTTACK

TRP(C) No.460 of 2025

Jinia Sethi Petitioner

-Versus-

Pradeep Kumar Sethi Opposite Party

For Petitioner : Mr. P.K. Nayak, Advocate

For Opposite Party : Ms. S. Das, Advocate

CORAM: JUSTICE SANJAY KUMAR MISHRA

Date of Hearing & Judgment: 04.05.2026

S.K. MISHRA, J.

1. This transfer petition has been preferred by the Petitioner-Wife for transfer of proceeding in C.P. No.743 of 2023, pending in the Court of learned Judge, Family Court, Cuttack, to the Court of learned Civil Judge (Sr. Division), Athagarh on the grounds detailed in the transfer petition.

2. Being noticed, though the Opposite Party-husband has appeared, till date no written objection has been filed opposing to such prayer for transfer.



3. Since the matter is of the year 2023 and further proceeding in C.P. No.743 of 2023 has been stayed by this Court, on consent of learned Counsel for the parties, the transfer petition is taken up for hearing and disposal at the stage of admission.

4. Heard learned Counsel for the Petitioner.

5. Reiterating the grounds urged in the transfer petition, learned Counsel for the Petitioner-Wife submits that the Petitioner is a distressed lady having no source of income. After her desertion, she is staying with her parents at Badamba, which is around 100 K.M. away from Cuttack. She being a deserted lady having no income, it would be difficult on her part to travel such a long distance to attend the day to day proceeding at Cuttack. That apart, she has filed Cr.P No.03 of 2025 under Section 144 of BNSS for maintenance, which is now pending before the Court of learned Additional Civil Judge (Jr. Division), Badamba. On being noticed, the Opposite Party-Husband has appeared and is contesting the said case at Badamba. Till date no interim order has been passed in the said proceeding directing the Opposite Party-Husband to pay maintenance to her. Whereas, the Opposite Party is a government servant posted at



Cuttack and is at present working under the Director of Industries, Cuttack and is financially so also physically capable to attend the day to day proceeding at Athagarh.

6. Per contra, learned Counsel for the Opposite Party-Husband submits, in C.P. No.743 of 2023, which has been preferred by her client under Section 13 (1) of the Hindu Marriage Act, 1955 for divorce, the evidence from the side of Opposite Party-Husband, who is the Petitioner in C.P. No.743 of 2023, is over and now the matter stands posted for evidence from the side of Petitioner-Wife, who is neither appearing nor cooperating with the learned Court below.

7. She further submits, she has no objection to the prayer made in the transfer petition. However, learned Court below be directed to conclude the proceeding in C.P. No.743 of 2023 within a stipulated period. Further, since her client is a government employee, he be permitted to appear through virtual mode, as and when so required.

8. Taking note of the submissions made by the learned Counsel for the parties so also the settled position of law, this Court is inclined to allow the prayer made in the transfer petition for transfer of proceeding in C.P. No.743 of 2023, pending in the



Court of learned Judge, Family Court, Cuttack to the Court of learned Civil Judge (Sr. Division), Athagarh.

9. Accordingly, the learned Judge, Family Court, Cuttack is directed to transmit the case record in C.P. No.743 of 2023 to the Court of learned Civil Judge (Sr. Division), Athagarh at the earliest, preferably within a period of seven days from the date of production of certified copy of this Judgment.

10. On receiving the case record in C.P. No.743 of 2023 from the learned Judge, Family Court, Cuttack, the Court of learned Civil Judge (Sr. Division), Athagarh shall re-register the said case, if so required, and proceed further in accordance with law giving due opportunity to both the parties and shall try to conclude the said proceeding at the earliest, preferably within four months from the date of receipt of case record in C.P. No.743 of 2023.

11. It is made clear that both the parties will be at liberty to appear before the Court of learned Civil Judge (Sr. Division), Athagarh 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.



12. The learned Civil Judge (Sr. Division), Athagarh is requested to explore the facility of Video Conferencing available in the said Court and allow the parties to appear through Video Conferencing mode following the guidelines 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 so also their witnesses, if any, shall remain physically present before the Civil Judge (Sr. Division), Athagarh.

13. To avoid delay and notice, both the parties are directed to make a query themselves or through their Counsel from the Court of Civil Judge (Sr. Division), Athagarh to ascertain the date and purpose of posting of C.P. No.743 of 2023 and participate in the said proceeding.

14. Both the parties are further directed not to seek for unnecessary adjournments and cooperate with the learned Civil Judge (Sr. Division), Athagarh, who shall do well to conclude the said proceeding at the earliest.

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



16. Office is directed to communicate a copy of this Judgment to the Court of learned Judge, Family Court, Cuttack so also the Court of Civil Judge (Sr. Division), Athagarh urgently enabling the said Courts to act in terms of the observations made above.

17. Interim order dated 23.12.2025 passed in I.A. No.490 of 2025 stands vacated.

18. 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, 4th May, 2026/ Banita*

Signature Not Verified

Digitally Signed
Signed by: BANITA PRIYADARSHINI PALEI
Designation: SR. STENOGRAPHER
Reason: AUTHENTICATION
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 05-May-2026 15:51:08