

(2022) 07 OHC CK 0113
In the Orissa High Court
Case No : TRP (C) No.244 Of 2022

Saubhagini Sahu

APPELLANT

Vs

Suresh Chandra Sahu

RESPONDENT

Date of Decision : 19-07-2022

Acts Referred:

Code of Civil Procedure, 1908 — Section 24
Hindu Marriage Act, 1955 — Section 9
Indian Penal Code, 1860 — Section 307

Citation : (2022) 07 OHC CK 0113

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : B.K.Rath

Judgement

Savitri Ratho, J

TRP (C) No.244 of 2022 & I.A. No.271 of 2022

1. This matter is taken up by hybrid mode.
2. Heard Mr. B.K.Rath, learned counsel for the petitioner.
3. This application has been filed by the petitioner-wife under Section 24 of C.P.C. for transfer of Civil Proceeding No.66 of 2022 filed by the opp. party-husband under Section-9 of the Hindu Marriage Act, 1955 for restitution of conjugal right in the Court of learned Judge, Family Court, Khordha, to the Court of learned Judge, Family Court, Cuttack.
4. Learned counsel for the petitioner submits that the marriage between the parties had been solemnized in the year 2004 and out of their wed-lock, one son and one daughter were born, but after 10 years of marriage, the petitioner was tortured and abused on account of suspicion regarding her character. She was assaulted on 1.4.2016 by the opp. party with sharp weapon for which Fategarh P.S. Case No.37 of 2016 corresponding to G.R. Case No.86 of 2016 under

Section-307 of IPC alongwith other offences was registered. The case has ended in conviction of the opp. party and the said conviction has been confirmed in appeal and now the opp. party has filed Criminal Revision against his conviction which is pending in this Court. He further submits that the petitioner had filed C.P. No.240 of 2021 in the Court of learned Judge, Family Court, Cuttack against the opp. party for divorce and although notice was sufficient against the opp. party, he has not appeared in the case and has filed C.P. No.66 of 2022 under Section 9 of the Hindu Marriage Act in the Court of learned Judge, Family Court, Khurda in order to harass the petitioner. He further submits that C.P.No.66 of 2022 is fixed to 1.8.2022 in the Court of learned Judge, Family Court, Khurda. As C.P. No.240 of 2021 is pending in the Court of learned Judge, Family Court, Cuttack, it would be convenient if C.P. No. 66 of 2022 is transferred to the same Court and heard by the same Judge.

5. Considering the above submissions, issue notice to the sole opp. party in the main case as well as in the I.A. by Registered/Speed Post with A.D., requisites for which shall be filed within a week. The notice shall be made returnable within four weeks. One set of process fee shall be accepted.

6. List this matter on 12.09.2022.

7. In the interim, further proceeding in C.P. No.66 of 2022 pending in the Court of learned Judge, Family Court, Khurda shall remain stayed till 12.09.2022.

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

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