
(2007) 02 OHC CK 0031
In the Orissa High Court

Smt. Sujata Mohanty

APPELLANT

Vs

Rudra Charan Mohanty

RESPONDENT

Date of Decision : 27-02-2007

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 24
Hindu Marriage Act, 1955 — Section 13

Citation : (2007) 104 CLT 226 : (2007) 1 OLR 656

Hon'ble Judges : A.S. Naidu, J

Bench : Single Bench

Judgement

A.S. Naidu, J.—Petitioner is the wife of the opposite party. This TRP (C) has been filed by the wife u/s 24 CPC with a prayer to transfer Civil Proceeding No. 792 of 2004 filed by the opposite party u/s 13(1) of the Hindu Marriage Act for dissolution of the marriage before the learned Judge, Family Court, Cuttack to similar Court at Rourkela. She has stated that she is having no money to travel all the way from Bonai (in the district of Sundargarh) where she is staying with her poor parents nor anybody to accompany her from Bonai to Cuttack nor has any place of stay at Cuttack.

2. Learned Counsel for the opposite party-husband resists such prayer of the petitioner contending that the petitioner is not a Purda Nashin lady. She is rather quite used to travelling and she has no difficulty as stated by her. Further, relying on the decision of the Supreme Court in the case of Kamaljit Kaur v. Prince Singh Chhabra reported in 2006 (I) OLR 456 he submits that only on the ground that the wife is not able to travel alone the case should not be transferred from one Court to another. He stressed on the observation of the Supreme Court in the said decision which is as follows:

No ground is made out by the petitioner except to say that being a lady it is not safe for her to travel from Dhanbad, Jharkhand to Rourkela, Orissa. In our view, this is no ground for transfer at all.

3. After perusing the decision cited above, and the materials available on record

this Court declines to transfer the case from Cuttack to Rourkela, but then in consonance with the ratio of the decision of the Supreme Court supra directs the husband-opposite party to pay all expenses for the to and fro travel of the petitioner from Rourkela to Cuttack alongwith a companion in train in a reserved 2nd class berth and their stay at Cuttack in a sophisticated hotel on each and every occasion she is required to come to Cuttack. The learned Judge, Family Court, Cuttack shall assess the said expenses which the husband-opposite party shall send to the petitioner, in advance, by demand draft so as to reach her two weeks before her travel.

This Court further directs the learned Judge, Family Court, Cuttack to dispose of the Civil Proceeding as expeditiously as possible,

Communicate this judgment to the learned Judge, Family Court, Cuttack.