

(2026) 08 OHC CK 1560
In the Orissa High Court, Cuttack Bench
Case No : TRP(C) No.11 of 2026

Sukanti Padhan

APPELLANT

Vs

Narasingha Padhan

RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:

Code of Civil Procedure — Section 24
Orissa High Court Video Conferencing for Courts Rules, 2020

Citation : (2026) 08 OHC CK 1560

Hon'ble Judges : Sanjay Kumar Mishra, J

Bench : Single Bench

Advocate : Mr. B.B. Routray, Mrs. A.R. Panda

Final Decision : Allowed

Judgement

S.K. Mishra, J.

1. The present transfer petition has been preferred by the Petitioner-wife under Section 24 of the Code of Civil Procedure for transfer of the proceeding in MAT Case No.10 of 2025, pending in the Court of learned Civil Judge (Senior Division), Hindol to the Court of learned Judge, Family Court, Bhadrak on the grounds detailed in the transfer petition.

2. Learned Counsel for the Petitioner submits, in view of the grounds urged in the transfer petition so also settled position of law, direction be given to the learned Civil Judge (Senior Division), Hindol for transfer of MAT Case No.10 of 2025 to the Court of learned Judge, Family Court, Bhadrak.

3. Mrs. Panda, learned Counsel for the Opposite Party submits, as per the instruction received, her client has no objection to the prayer made in the transfer petitioner, provided the MAT Case No.10 of 2025 is targeted and disposed of within a stipulated period. She further submits, the Opposite Party-Husband is at present posted as the Post Master, Rasol Post Office, at Rasol in the district of Dhenkanal. Being a Central Government employee and holding the

post of Post Master, it would be difficult on his part to take frequent leave to attend the day to day proceeding at Bhadrak. Accordingly, she prays to permit her client to appear through virtual mode, if he faces any difficulty on any date to remain physically present before the Court of learned Judge, Family Court, Bhadrak.

4. Law is well settled that while considering application for transfer of matrimonial proceedings, convenience of 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 follow:

*"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 behavioral 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)

5. After taking into consideration the pleadings made in the transfer petition, submissions made by the learned Counsel for the parties and the settled position of law, as detailed above, this Court is inclined to allow the prayer made in the transfer petition.

6. Accordingly, the learned Civil Judge (Senior Division), Hindol is directed to transmit the case record in MAT Case No.10 of 2025 to the Court of learned Judge, Family Court, Bhadrak at the earliest, preferably within a period of seven days from the date of production of certified copy of this Judgment.

7. On receiving the case record in MAT Case No.10 of 2025 from the learned Civil Judge (Senior Division), Hindol, the Court of learned Judge, Family Court, Bhadrak 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 by end of March, 2027.

8. It is made clear that both the parties will be at liberty to appear before the Court of learned Judge, Family Court, Bhadrak 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. The learned Judge, Family Court, Bhadrak 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 learned Judge, Family Court, Bhadrak.

9. To avoid delay and notice, both the parties are directed to make a query themselves or through their Counsel from the Court of learned Judge, Family Court, Bhadrak to ascertain the date and purpose of posting of MAT Case No.10 of 2025 and participate in the said proceeding.

10. Both the parties are directed not to seek for unnecessary adjournments and cooperate with the learned Judge, Family Court, Bhadrak for early disposal of MAT Case No. 10 of 2025, as directed above.

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

12. Office is directed to communicate a copy of this Judgment to the Court of learned Civil Judge (Senior Division), Hindol so also the Court of learned Judge, Family Court, Bhadrak enabling the said Courts to act in terms of the observations made above.

13. Urgent certified copy of this Judgment be granted on proper application as per rules.