

25.8.2015

This application under Section 24 of the Code of Civil Procedure has been filed to transfer MAT No. 59 of 2014 pending in the court of the learned Civil Judge (Sr.Division), Bhadrak to the learned Judge, Family Court, Jajpur.

Opposite party is the husband of the petitioner. He filed an application under Section 9 of the Hindu Marriage Act, 1955 before the learned Civil Judge (Sr.Division), Bhadrak, which was registered as MAT No. 59 of 2014. The grievance of the petitioner is that she is residing with her brothers in the district of Jajpur, which is 60 Kms. away from Bhadrak. She is also suffering from acute back pain and joint pain. She is apprehending danger to her life. It will be very difficult on her part to attend the court of the learned Civil Judge (Sr.Division), Bhadrak.

Heard learned counsel for the petitioner. None appears for the opposite party.

The apex Court in the case of Sumita Singh V. Kumar Sanjay and other, AIR 2002 SC 396 held that wives convenience must be looked at while considering the application for transfer of the case.

Considering the averments made in the application and submissions advanced by the learned counsel for the petitioner, this Court is of the view that ends of justice would be best served, if the case is transferred from the court of the Civil Judge (Sr.Division), Bhadrak to the learned Judge, Family Court, Jajpur.

In view of the same, the learned Civil Judge (Sr.Division), Bhadrak is directed to transmit the MAT No. 59 of 2014 to the court of the learned Judge, Family Court,

Jajpur immediately after production of a certified copy of this order. Since the order is passed at the stage of admission, the opposite party is at liberty to file an application for variation of this order, if he so likes.

With the aforesaid observation and direction, the TRP(C) is allowed.

Dr.A.K.Rath, J.