



IN THE HIGH COURT OF ORISSA, CUTTACK

TRPCRL No.72 of 2026

CNR No. ODHCO10679902026

Deepak Maharana @ Dipak Kumar
Maharana Petitioner

-Versus-

Jhili Behera @ Sasmita Behera Opposite Party

For Petitioner : Mr. P.C. Jena, Advocate

For Opposite Party :

CORAM: JUSTICE SANJAY KUMAR MISHRA

Date of Hearing & Judgment: 23.09.2026

S.K. MISHRA, J.

1. This transfer petition has been preferred by the Petitioner-Husband under Section 447 of the B.N.S.S., 2023, read with Section 407 of Cr.P.C., for transfer of proceeding in CrI. Misc. Case No.133 of 2025, pending in the Court of learned S.D.J.M., Athmallik, Angul, to the Court of learned Judge, Family Court, Angul on the grounds detailed in the transfer petition.



2. Learned Counsel for the Petitioner, drawing attention of this Court to the grounds urged in para 5 of the transfer petition submits, because of the distance, income, family problems including old aged mother's ailment, who is a paralysis patient, it would be difficult on the part of the Petitioner to travel a long distance of around 200 K.Ms. to attend the day to day proceeding before the Court of learned S.D.J.M., Athmallik, Angul.

3. Admittedly, the Opposite Party-Wife has initiated the said proceeding under Section 144 B.N.S.S. for maintenance before the learned S.D.J.M., Athmallik, in the district of Angul.

4. As is revealed from the address statement in the petition in Crl. Misc. Case No.133 of 2025 as at Annexure-1, at present, she is residing in village Boinda (Kadalimunda), Mangalasahi, P.O. Kishoreganj, P.S. Handapa in the district of Angul, which is the paternal house of the Opposite Party-Wife. In the present transfer petition, the same address has been furnished, so far as the Opposite Party-Wife is concerned.



5. On being asked, learned Counsel for the Petitioner submits, the Petitioner, being noticed, in Crl. Misc. Case No.133 of 2025 has already appeared before the learned S.D.J.M., Athmallik, Angul and also has filed his show cause.

6. After hearing learned Counsel for the Petitioner and the grounds urged in the transfer petition so also as per the settled position of law, the Opposite Party-Wife, being a deserted lady, who has preferred Crl. Misc. Case No.133 of 2025 for maintenance in the Court at Athmallik as per her convenience, this Court is not inclined to entertain the prayer made in the transfer petition. However, taking into consideration the alleged difficulty which caused the Petitioner-Husband to participate in the day to day proceeding before learned S.D.J.M., Athmallik, Angul in Crl. Misc. Case No.133 of 2023, liberty is granted to move application before the Court below to allow him to appear through virtual mode with due permission of the concerned Court, in case he faces any difficulty on any date to appear physically before the said Court.



7. The learned learned S.D.J.M., Athmallik, Angul is requested to explore the facility of Video Conferencing available in the said Court and allow the Petitioner-Husband to appear through Video Conferencing mode following the guidelines prescribed under the “High Court of Orissa and District Courts Use of Electronic Communication and Audio-Video Electronic Means Rules, 2025”. However, on the dates of effective hearing, i.e., for examination and cross-examination of witnesses and other purposes, for which his presence may be required by the Court and if it is so ordered, the Petitioner-Husband so also his witness(es), if any, shall remain physically present before the learned S.D.J.M., Athmallik, Angul.

8. Both the parties are directed not to seek for unnecessary adjournments and cooperate with the learned S.D.J.M., Athmalik, Angul, who shall do well to conclude the proceeding in Crl. Misc. Case No.133 of 2023 at the earliest, preferably by end of March, 2027.

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



10. Office is directed to communicate a copy of this Judgment to the Court of learned S.D.J.M., Athmallik, Angul urgently enabling the said Court to act in terms of the observations made above.

11. 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, 23rd September, 2026/ Banita

Signature Not Verified

Digitally Signed
Signed by: BANITA PRIYADARSHINI PALEI
Designation: SR. STENOGRAPHER
Reason: AUTHENTICATION
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 24-Sep-2026 18:40:54