



IN THE HIGH COURT OF ORISSA, CUTTACK
TRPCRL No.34 of 2025
CNR No. ODHCO10300852025

Sanjulata Behera & anr. Petitioners

-Versus-

Priyanka Behera Opposite Party

For Petitioner : Mr. D. Barik, Advocate

**For Opposite Party : Mr. B.P. Tripathy,
Sr. Advocate**

CORAM: JUSTICE SANJAY KUMAR MISHRA

Date of Hearing & Judgment: 21.09.2026

S.K. MISHRA, J.

1. Mr. R. Achary, learned Counsel for the Opposite Party files a Memorandum, duly executed in favour of Mr. B.P. Tripathy, learned Senior Counsel, to plead on behalf of the sole Opposite Party, which is taken on record.

2. The present transfer petition has been preferred under Section 407 of the Code of Criminal Procedure, corresponding to Section 447 of BNSS 2023, for transfer of Proceeding in CMC No.1409 of 2024, pending in the Court of



learned JMFC(II), Bhubaneswar, Khordha to the Court of learned JMFC (Cog.III), Cuttack, on the grounds detailed in the transfer petition.

3. The Opposite Party, who is the Petitioner in CMC No.1409 of 2024, initiated under Section 12 of the Protection of Women from Domestic Violence Act, 2005, shortly, D.V. Act, 2005, has filed her Objection opposing to such prayer for transfer.

4. Since pleadings are complete, on consent of the learned Counsel for the parties, the transfer petition is taken up for hearing and disposal at the stage of admission.

5. Reiterating the grounds urged in the transfer petition, learned Counsel for the Petitioner submits, the Petitioner No.1, who is the mother-in-law of the Opposite Party, is now suffering from Cancer and is being treated at Mumbai. To attend his old and ailing mother, the Petitioner No.2, who is the husband of the sole Opposite Party, is also, at present stationed at Mumbai, which is causing immense difficulty for both of them to appear in the proceeding in CMC No.1409 of 2024, now pending before the learned JMFC (II), Bhubaneswar.



6. He further submits, though the Opposite Party, at present, is staying at Dwaraka Vihar, Kalarahanga under Infocity P.S., Patia, Bhubaneswar, but she was residing in village Kantapatana, PS: Baranga in the district of Cuttack, where her paternal house is situated. She can very well appear before the Court of learned JMFC (Cog.III), Cuttack, if the proceeding in CMC No.1409 of 2024 is transferred to Cuttack.

7. Per contra, Mr. Tripathy, learned Senior Counsel for the Opposite Party submits, the Opposite Party is a deserted lady. Though she was staying at village Kantapatana, having no source of income, she is at present staying with her old ailing parents at Dwaraka Vihar, Kalarahanga under Infocity P.S., Patia, Bhubaneswar, to which place they have shifted and is dependent on them for her livelihood.

8. He further submits, the Petitioner is working as a Senior Scientific Officer (E) at Mumbai Under Bhaba Atomic Energy Centre and is residing at Mumbai in the address, as detailed in Paragraph No.13 of the Objection. Hence, such a plea taken in the transfer petition is to mislead this Court and harass the Opposite Party-wife by transferring the proceeding to



Cuttack, though he is admittedly serving in Bhaba Atomic Energy Centre and residing at Mumbai.

9. Mr. Tripathy, learned Senior Counsel further submits, if the Petitioners have any difficulty to appear in the proceeding before the Court at Bhubaneswar, they may very well pray the learned Court below to permit them to appear through virtual mode, which would be a just and proper relief, as prayed in the transfer petition.

10. Mr. Tripathy submits, CMC No.1409 of 2024, being initiated under Section 12 of the D.V. Act, 2005, the Petitioners can very well appear through their lawyers. They are not required to attend the proceeding in CMC No.1409 of 2024 physically on each date.

11. After taking into consideration the pleadings on record, the submissions made by the learned Counsel for the parties, settled position of law, this Court is not inclined to allow the prayer for transfer of proceeding in CMC No.1409 of 2024 from Bhubaneswar to Cuttack, as prayed for.

12. Accordingly, the transfer petition stands dismissed.

13. It is made clear that, dismissal of the transfer petition shall not be a bar for the Petitioners, who are the Opposite



Parties in CMC No.1409 of 2024, to approach the learned Court below to allow them to appear through virtual mode, if so advised.

14. It is made further clear that, if such an application is moved, this Court is hopeful that the learned Court below shall do well to allow them to appear through virtual mode at appropriate stage, following due procedure, as prescribed under the High Court of Orissa and District Courts Use of Electronic Communication and Audio-Video Electronic Means Rules, 2025.

15. Accordingly, the I.A. No.37 of 2025 also stands disposed of.

16. Urgent certified copy be granted on proper application.

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S.K. Mishra, J.

Orissa High Court, Cuttack.
Dated, 21st September, 2026/ Sipra

Signature Not Verified

Digitally Signed
Signed by: SIPRA MUDULI
Designation: JR. STENOGRAPHER
Reason: AUTHENTICATED
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 23-Sep-2026 15:22:13