



IN THE HIGH COURT OF ORISSA, CUTTACK

TRP(C) No.226 of 2026

CNR No. ODHCO10557182026

Sakti Suprayukti **Petitioner**

-Versus-

Priyabrata Rajguru **Opposite Party**

Advocates for the parties

For Petitioner : Mr. S.R. Pati, Advocate

For Opposite Party : Mr. T. Mishra, Advocate

CORAM: JUSTICE SANJAY KUMAR MISHRA

Date of Hearing & Judgment: 25.09.2026

S.K. MISHRA, J.

1. This transfer petition has been preferred under Section 24 of the Code of Civil Procedure, 1908 by the Petitioner-wife, who is the Opposite Party in C.P. No. 158 of 2026, pending before the learned Judge, Family Court, Puri, seeking transfer of the said proceeding to the Court of the learned Judge, Family Court, Cuttack, on the grounds detailed in the transfer petition.



2. Being noticed, the Opposite Party-Husband has entered appearance through Mr. T. Mishra, learned Counsel. However, on consent of learned Counsel for the parties, the transfer petition is taken up for hearing and disposal at the stage of admission, permitting the learned Counsel for the Opposite Party-Husband to raise his oral objections, if any, to the prayer made in the transfer petition.

3. Reiterating the grounds urged in the transfer petition, learned Counsel for the Petitioner-Wife submits, the Petitioner, being a lady and the grounds specifically urged in paragraph-9 of the transfer petition, her prayer for transfer of proceeding from Puri to Cuttack be allowed.

4. On being asked, learned Counsel for the Opposite Party-Husband submits, though his client instituted a civil proceeding for divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955 before the learned Judge, Family Court, Puri, as per the instructions received, he is presently serving as an Electrical Engineer at SUM Hospital, Phulnakhara, Bhubaneswar, whereas the Petitioner-Wife is serving at Sri Sri University, Munduli, Cuttack.



5. Learned Counsel for the Opposite Party-Husband submits, since his client is serving as an Engineer at SUM Hospital, he may face difficulty in obtaining frequent leave to appear physically before the learned Judge, Family Court, Cuttack on each date. That apart, his frequent absence from duty may also affect his official responsibility. Hence, he prays that his client may be permitted to appear through virtual mode, in case he faces any difficulty in appearing physically on any particular date.

6. Learned Counsel for the Petitioner-Wife also makes a similar prayer on the ground that the Petitioner is also a working lady. He further submits, apart from the grounds urged in paragraph-9 of the transfer petition, at the instance of the present Petitioner, Cr.P. No. 163 of 2026 is also pending before the learned Judge, Family Court, Cuttack, which was instituted by the Petitioner-Wife during pendency of the present transfer petition. Hence, the said fact could not be specifically pleaded in the grounds urged in the transfer petition. He further submits, if the proceeding, instituted at the instance of the Opposite Party-



Husband, is transferred to the Court of the learned Judge, Family Court, Cuttack, it would rather be convenient for the Opposite Party-Husband to appear in both the proceedings before the same Court.

7. 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)

8. In a recent Judgment of this Court, reported in 2025 Live Law (Ori) 91 (**Chittaranjan Padhiary & ors. Vs.**



Jasmin Das), this Court permitted the parties to appear through virtual mode with the following observations:

*“However, in view of the reasons detailed in the forgoing paragraphs, this Court is of the view that **interest of justice will be best served, if the parties, who are either stationed or serving at different places, are permitted to appear through virtual mode** before the concerned Courts.”*

(Emphasis supplied)

9. In the circumstances, taking into consideration of the pleadings and documents on record, submissions made by learned Counsel for the parties and the settled position of law, the Court is inclined to allow the prayer made in the present transfer petition.

10. Accordingly, the learned Judge, Family Court, Puri is directed to transmit the case record in C.P. No.158 of 2026 to the Court of learned Judge, Family Court, Cuttack at the earliest, preferably within a period of seven days from the date of production of certified copy of this Judgment.

11. On receiving the case record in C.P. No.158 of 2026 from the Court of learned Judge, Family Court, Puri, the Court of learned Judge, Family Court, Cuttack 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.

12. It is made clear that both the parties would be at liberty to appear before the Court of learned Judge, Family Court, Cuttack 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 Court of learned Judge, Family Court, Cuttack 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 “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 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 Court of learned Judge, Family Court, Cuttack.

13. Since Cr.P. No. 163 of 2026 is also pending before the same Court at the instance of the Petitioner wife, learned Judge, Family Court, Cuttack Court is requested to post Cr.P. No. 163 of 2026 and C.P. No.158 of 2026 to a single date and proceed simultaneously in both the cases, which would be convenient for the parties.

14. 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, Cuttack to ascertain the date and purpose of posting of C.P. No.158 of 2026 and participate in the said proceeding.

15. Both the parties are directed not to seek for unnecessary adjournments and cooperate with the learned Judge, Family Court, Cuttack for early disposal C.P. No.158 of 2026, as directed above.

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



17. Office is directed to communicate a copy of this Judgment to the Court of learned Judge, Family Court, Puri, so also the Court of learned Judge, Family Court, Cuttack, enabling the said Courts to act in terms of the observations made above.

18. 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, 25th September, 2026/ Anisha

Signature Not Verified

Digitally Signed
Signed by: ANISHA NANDA
Reason: Authentication
Location: OHC, CUTTACK
Date: 26-Sep-2026 12:25:18