

**IN THE COURT OF THE DISTRICT JUDGE, KHURDA
AT BHUBANESWAR.**

TRP (C) No.46 of 2014.

Ashok Kumar Mohanty, aged about 53 years, S/o. Late Hadibandhu Mohanty, C/o. Sibasis Mohanty, At - E.B.-831, Badagada Brit Colony, P.S. - Badagada, B.B.S.R.-18, Munsif- Bhubaneswar, Dist. - Khurda.

... **Petitioner.**

-V e r s u s-

Smt. Sarojini Mohanty, aged about 62 years, W/o. Basudev Mohanty, At/P.O. - Panchapalli, P.S./Tahasil - Erasama, Dist. - Jagatsinghpur, presently staying at Plot No.452, Nageswar Tangi, Bhubaneswar-2, P.S. - Old Town, Dist. - Khurda.

... **Opp.**

Party.

Counsel :

For Petitioner.

-- Shri B.C. Swain & Associates.

For Opp. Party.

-- Shri B.B. Mishra & Associates.

Date of arguments & date of order : 08.01.2015.

No.06, Dated 08.01.2015.

O R D E R

This is an application under section 24 of the Code of Civil Procedure for transfer of C.S. No.1476 of 2012 from the Court of 1st Addl. Civil Judge (Sr. Division), Bhubaneswar to any other Court. I have heard both sides on

the petition. Another petition is filed today to stay further proceeding of C.S. No.1476 of 2012 till disposal of the original petition. Since the main petition has been heard, the latter petition will also be disposed of along with the same.

2. It is the claim of the petitioner that he was suffering from low back pain with lumbar spondylosis and is under treatment by the doctor. Since the Court of 1st Addl. Civil Judge (Sr. Division), Bhubaneswar is on the first floor, as per doctor's advice he is not supposed to climb the stair-case to attend the Court. So, he prayed to transfer the case to any other Court having competent jurisdiction situated on the ground floor. It is further available from the submission of learned counsel appearing for the petitioner that the petitioner has been examined as P.W.1 in the above-noted suit and now his cross-examination is deferred due to such ailment. It appears that he is not bed-ridden, but was an outdoor patient. No certificate is produced to show that he cannot climb the stair-case permanently to attend the Court. Moreover, such temporary illness cannot be a ground to transfer the suit from one Court to another. At the same time, learned counsel for the opposite party submitted that the matter should be disposed of early by any Court.

3. In view of the submissions advanced by both

parties and the fact that there is no material to support the stand taken by the petitioner, which is a temporary phase of his illness, the transfer petition is liable for rejection. Hence ordered :

O R D E R

The petition filed under section 24 of the Code of Civil Procedure being devoid of merit stands rejected against the opposite party without cost. The learned 1st Addl. Civil Judge (Sr. Division), Bhubaneswar is directed to dispose of C.S. No.1476 of 2012 by the end of February, 2015 in accordance with law by resorting to day-to-day hearing basis. Both parties are directed to cooperate the learned Court below in disposal of the suit within the stipulated period.

**District Judge, Khurda
at Bhubaneswar.**

08.01.2015.

Dictated & Corrected.

**District Judge, Khurda
at Bhubaneswar.**

08.01.2015.