

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.2717 OF 2022

Supritee Mahali

....

Petitioner

Mr.D.Mohanty, Adv.

-versus-

***Learned Judge, Family court, Jajpur
& anr.***

....

Opposite Parties

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
2.2.2022**

**Order
No.**

01.

1. This matter is taken up through video conference mode.
2. Heard learned counsel for the Petitioner.
3. The Writ Petition involves the following prayer :-

“Under the facts and circumstances as stated herein above, it is therefore most humbly prayed that this Hon’ble Court may kindly be pleased to admit this writ application, issue notice to Opposite Parties and after hearing the parties be pleased to direct the Opposite Parties, more particularly Opposite Party No.1 to dispose of the Cr.P.No.48 of 2019 pending before the learned Judge, Family Court, Jajpur under Annexure-4 at an early date or within a very short period of time as considered just and proper by the Hon’ble Court, in the interest of justice...”

4. This Court in a similar matter, i.e., TRPCRL No.36 of 2021 disposed of by this Court on 21.9.2021 has already framed certain guideline in disposal of 125 Cr.P.C. proceeding. The proceeding in Cr.P. No.48 of 2019 involved herein, which appears to be pending before the Family court, Jajpur since 2019, may be disposed of in terms of the following guidelines :-

“For the nature of dispute, this Court is of the opinion that the proceeding under Section 125 of Cr.P.C. should not take more than five to six dates, i.e., one date for issuance of notice, on the next date objection should be filed along with appearance and on third date, if the parties want to enter into evidence, one more date may be granted for completing the evidence and on fifth date, hearing should be concluded. If no party is interested to lead evidence, then in that case, the matter should be decided only on the claim of the husband and argument involving such matter should be entertained on the third date itself. In this event, on fourth date, the judgment should be pronounced. It is in this view of the matter, this Court directs, if the husband is so advised, may file his objection in the pending proceeding on the next date itself and the trial court is directed to proceed to dispose of the application in terms of the observation made herein above. The entire exercise should be concluded within a period of two months at the maximum.”

5. The Writ Petition stands disposed of, but however, directing the Family Court, Jajpur to dispose the pending C.P. proceeding in terms of above guideline.

6. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the Parties may utilize a printout of the order available in the High Court's Website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020, modified by Notice No.4798 dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(Biswanath Rath)
Judge

M.K.Rout