

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.83 of 2022

Mrs. Chinmayee Sahoo

....

Appellate

Mrs. Ranjita Singh, Advocate
and Mr. Sailesh Das, Advocate

-versus-

Dr. Anil Kumar Sahoo

....

Respondent

None

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (Oral)

18.04.2022

Order No.

04.

1. This matter is taken up through virtual/physical mode.
2. The wife has filed the present appeal directed against the order dated 1st December, 2021 passed by the learned Single Judge, whereby the order dated 29th October, 2019 passed by the Family Court in the divorce case filed by the Respondent-husband, was upheld. The order dated 29th October, 2021 while closing the evidence of the husband had fixed the case for evidence of the wife in the absence of any written statement on record.
3. The learned Single Judge in the absence of the pleadings in the shape of written statement by the wife proceeded to direct the trial court to pronounce the judgment as the filing of the written statement by the wife stood precluded vide interim order dated 21st November, 2017, which admittedly was never challenged by the wife.
4. The only plea raised before this Court is that the learned Single Judge has overlooked the fact that there was a

subsequent application filed by the wife for accepting of the written statement, which was pending adjudication by the trial court.

5. At the time of hearing, counsel for the Petitioner prays for permission to withdraw the present writ appeal as the Family Court by subsequent order dated 4th April, 2022 has permitted the Appellant-Wife to place on record the written statement.

6. In view of the above, the writ appeal is dismissed as withdrawn.

7. Registry to permit the return of the certified copies of the orders upon substitution of the same by authenticated photocopies in the record.

Issue urgent certified copy as per rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Jyostna

April 18th, 2022
Cuttack