

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 6018 OF 2022

Rashmi Ranjan Das

.... ***Petitioner***

Mr. Akshaya Kumar Pandey,
Advocate

-versus-

Bishnupriya Biswal

.... ***Opp. Party***

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
31.03.2022**

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the order dated 19th January, 2022 passed by learned Judge, Family Court, Khurda in C.P. No.127 of 2020, whereby he rejected an application filed by the Petitioner to call for the entry register of Gate No.1 from 1st January, 2017 to 1st January, 2019 of the Central Reserve Police Force Campus, Bhubaneswar.
3. It is submitted by Mr. Pandey, learned counsel for the Petitioner that the Petitioner has filed C.P. No. 127 of 2020 under Section 9 of the Hindu Marriage Act, 1955. Since the Opposite Party denied the relationship between the parties, the Petitioner in order to establish their relationship as husband and wife has filed the aforesaid application. Learned Judge, Family Court, Khurda without appreciating the matter from its proper perspective rejected the said application. It is further submitted that the aforesaid document is

vital to establish that the Petitioner was frequenting to the official accommodation of Opposite Party and was staying with her as husband and wife. He, therefore, prays for setting aside the impugned order and to direct the learned Judge, Family Court, Khurda to call for the aforesaid document.

4. On perusal of the record, it appears that at the instance of Opposite Party, this Court vide order dated 13th September, 2021 while disposing of TRP(C) No. 226 of 2021 directed as under:

“In the meantime, let wife-petitioner file an affidavit declaring her willingness to join the husband by sending through Registered Post with A.D. addressing to the Registry of the District Court, Khurda with her contact number therein within a period of ten working days hence. On production of such affidavit before the Family Court, Khurda, the Family Court, Khurda is directed to undertake the final hearing of the Civil Proceeding No.127 of 2020 and conclude the proceeding as expeditiously as possible preferably within two dates without even insisting appearance of the wife but, however, on hearing the learned of the wife. Towards litigation expenses, let the husband pay a sum of Rs.3000/- to the deserted wife, who shall engage a counsel and co-operate the Family Court to close the matter by minimum two dates from the date of filing of affidavit.”

5. Mr. Pandey, learned counsel for the Petitioner further submits that against the aforesaid order, RVWPET No. 236 of 2021 is pending before this Court for adjudication.

6. Apart from the above, the entry register of CRPF Campus, Bhubaneswar cannot be an evidence to establish the relationship between the parties. The Petitioner has to prove his case on the basis of the materials available on record. On perusal of the impugned order, it appears that learned Judge, Family Court, Khurda has rightly held that the entry register of Gate No.1 is not necessary for adjudication of the matter.

7. In view of the above, I find no infirmity in the impugned order. Accordingly, this writ petition being devoid of any merit stands dismissed.

8. It is, however, made clear that if the parties to C.P. No. 127 of 2020 give their consent, learned Judge, Family Court, Khurda may make an endeavour for conciliation of the matter.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

bks

