

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 6294 OF 2022**

***Tushar Kanta Swain***

***.... Petitioner***

Mr. S.S. Rao, Advocate

***-versus-***

***Ipsita Parida and another***

***.... Opp. Parties***

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

**ORDER  
13.04.2022**

**Order No.**

01. 1. This matter is taken up through hybrid mode.
2. This writ petition has been filed for a direction to learned Judge, Family Court, Cuttack for early disposal of C.P. No.431 of 2019 filed under Section 9 of the Hindu Marriage Act, 1955 (for short 'the Act').
3. Mr. Rao, learned counsel for the Petitioner submits that in course of counseling, a positive sign of reunion was noticed for which learned Judge, Family Court, Cuttack vide order dated 16<sup>th</sup> December, 2020 observing that on conciliation, the Opposite Parties agreed to go to the residence of the Petitioner and stay with the Petitioner to strengthen their bonding, directed both the parties to co-operate and understood each other and further directed the Opposite Parties to stay for few days to observe the changes of the Petitioner. He also directed both the parties to appear on 24<sup>th</sup> December 2020. It is his submission that the Opposite Party No.1 is agreeable to join the matrimonial life with the Petitioner along with their minor daughter. The matter is posted to 22<sup>nd</sup> April, 2022. The Petitioner, who is serving abroad, will leave India very shortly and wants to get his daughter

admitted in a school at his place of service. For the welfare of the family, more particularly the child, the Civil Proceeding No.431 of 2019 should be disposed of at an early date. It is also his submission that parties are agreeable to appear before the Family Court on the date fixed. There is also no legal impediment on the part of learned Judge, Family Court, Cuttack to dispose of the petition on consent of the parties on the date fixed.

4. In that view of the matter, he prays for a direction to learned Judge, Family Court, Cuttack to make an endeavour to dispose of C.P. No.431 of 2019 on the date fixed.

5. Taking into consideration the submission of learned counsel for the Petitioner as well as welfare of the family, this Court disposes of this writ petition with a direction that in the event both the parties jointly file an application before learned Judge, Family Court, Cuttack for early disposal of C.P. No.431 of 2019 or upon hearing learned counsel for the parties, if learned Judge, Family Court, Cuttack is of the opinion that civil proceeding can be disposed of directing the Opposite Parties to join the Petitioner on the date fixed, he shall make an endeavour to consider the same by recording the statement of the parties and dispose of C.P. No.431 of 2019 either on the same date or on a subsequent date not later than seven days thereafter.

6. Since the writ petition is disposed of without issuing notice to the Opposite Parties, they are at liberty to seek for variation of the same, if they feel aggrieved.

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

**(K.R. Mohapatra)**  
**Judge**

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