

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 8438 OF 2022

Haripada Dey

Petitioner

Mr. Sanjay Kumar Mohanty,
Advocate

-versus-

Subhasmita Dey @ Behera

.... Opp. Party

Mr. Sitakanta Hota, Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

10.05.2022

Order No.

4. 1. This matter is taken up through hybrid mode.
2. This writ petition has been filed for a direction to learned Judge, Family Court, Balasore for early disposal of C.P. No.414 of 2019 filed by the Petitioner seeking for dissolution of marriage under Section 13(1) of the Hindu Marriage Act, 1955 (for short, 'the Act').
3. Mr. Mohanty, learned counsel for the Petitioner submits that the Opposite Party-Wife has already entered appearance in the said civil proceeding and filed her written statement. There is also no legal impediment for early disposal of C.P. No.414 of 2019. Hence, a direction may be issued to learned Judge, Family Court, Balasore for early disposal of the said civil proceeding.
4. Mr. Hota, learned counsel appearing for the sole Opposite Party objecting to the said prayer contended that the matter is not ready for hearing and I.A. No.13 of 2020 for *pendente lite* maintenance is still pending for consideration. Hence, no direction for early disposal of C.P. No. 414 of 2019 could be given at this stage. He further submits that the Petitioner is also not complying

with the direction of learned Judge, Family Court, Balasore for payment of interim maintenance in a proceeding under Section 125 Cr.P.C.

5. Taking into consideration the rival contentions of the parties and on perusal of the record, this Court is not clear about the present status of C.P. No.414 of 2019. Order sheet of the civil proceeding has also not been annexed to the writ petition.

6. In view of the above, the prayer made in this writ petition cannot be entertained. It is, however observed that when C.P. No.414 of 2019 becomes ready for hearing, the Petitioner is at liberty to file an application for early disposal of the said civil proceeding stating the grounds therein and in that event, learned Judge, Family Court, Balasore may consider the said application for early disposal of C.P. No.414 of 2019 in accordance with law and proceed with the matter accordingly.

7. This writ petition is accordingly disposed of.

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

(K.R. Mohapatra)
Judge