

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 9437 of 2022

Dr. Prateek Gantayat **Petitioner**
Mr. Dharendra Kumar Mohapatra, Advocate

-versus-

Dr. Pragnyashree Mishra **Opp. Party**

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
21.04.2022

Order No.

1. This matter is taken up through Hybrid mode.
2. Petitioner in this writ petition prays for a direction for early disposal of CP No.138 of 2021 filed under Section 12(1)(c) and 13 of the Hindu Marriage Act, 1955 (for short, 'the Act') filed by the Petitioner and CP No.370 of 2020 filed by the Opposite Party under Section 9 of the said Act pending before learned Judge, Family Court, Bhubaneswar.
3. Mr. Mohapatra, learned counsel submits that CP No.138 of 2021 has been filed by the present Petitioner for annulling the marriage by a decree of divorce and CP No.370 of 2020 has been filed by the Opposite Party-wife for restitution of conjugal right. Due to pendency of the above civil proceedings, the Petitioner is not able to move abroad to pursue his higher studies. Unless both the CPs are disposed of early he will be highly prejudiced and his career will be at stake.
 - 3.1 It is his submission that both the cases are at the stage of recording of evidence and there is no legal impediment for early disposal of both the proceedings. In that view of the

matter, present writ petition has been filed for the aforesaid relief.

4. Taking into consideration huge pendency of such nature of cases with learned Judge, Family Court, Bhubaneswar I am not inclined to entertain the prayer as made in the writ petition. However, in the event Petitioner files separate applications in both the Civil Proceedings for early disposal of the Civil Proceedings stating the grounds therein, learned Judge, Family Court, Bhubaneswar shall do well to consider such applications (applications for early disposal of the CPs) in accordance with law at an early date giving opportunity of hearing to the parties concerned and proceed with the CPs in accordance with law.

5. Parties to the proceedings shall cooperate learned Judge, Family Court, Bhubaneswar for early disposal of the CPs without taking unnecessary adjournments.

6. The writ petition is accordingly disposed of.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge