

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 9796 OF 2022

Subhasmita Dey @ Behera

Petitioner

Mr. Sitakanta Hota, Advocate

-versus-

Haripada Dey

.... Opp. Party

Mr. Sanjay Kumar Mohanty, Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

10.05.2022

Order No.

3.
 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 I.A. No.13 of 2020 (arising out of C.P. No.414 of 2019).
 3. Mr. Hota, learned counsel for the Petitioner submits that the Opposite Party has filed C.P. No.414 of 2019 seeking for dissolution of marriage by a decree of divorce under Section 13(1) of the Hindu Marriage Act, 1955 (for short, 'the Act'). In the said civil proceeding, the Petitioner has filed I.A. No.13 of 2020 under Section 24 of the Act for *pendente lite* maintenance. Although the said application was filed since 27th January, 2020, but learned Judge, Family Court, Balasore has not made any endeavour to take up the interim application for which the Petitioner is highly prejudiced.
 4. Mr. Mohanty, learned counsel appearing for the sole Opposite Party submits that he has received a copy of the writ petition in Court today and has not obtained any instruction from

the Opposite Party. He, therefore, prays for an adjournment to take instruction in the matter and file Vakalatnama.

5. Taking into consideration the submission of learned counsel for the Petitioner that I.A No. 13 of 2020 filed under Section 24 of the Act is pending for consideration, this Court without expressing any opinion on the merits of the case of the parties disposes of this writ petition with a direction that learned Judge, Family Court, Balasore shall make an endeavour for early disposal of I.A No.13 of 2020 in accordance with law giving opportunity of hearing to the parties concerned, if the same is still pending and there is no legal impediment for early disposal of the same.

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

(K.R. Mohapatra)
Judge

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