

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.11117 OF 2022

Suchismita Das

....

Petitioner

Mr. A. Mishra, Advocate

-versus-

Samir Ranjan Parida

....

Opp. Party

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

19.10.2022

Order No.

- 7.
1. This matter is taken up through hybrid mode.
 2. Order dated 16th April, 2022 (Annexure-7) passed by learned Judge, Family Court, Bhubaneswar in I.A. No.31 of 2020 (arising out of C.P. No.352 of 2020) is under challenge in this writ petition. By virtue of the impugned order under Annexure-7, learned Judge, Family Court, Bhubaneswar directed custody of the child to be with the Opposite Party and permitted visitation right to the Petitioner. During pendency of the writ petition, there was a development and the child was left with the Opposite Party by the Petitioner.
 3. In view of the above, this Court vide order dated 29th August, 2022 observed as under:
 - “1. This matter is taken up through hybrid mode.
 2. In course of hearing, Mr. Mishra, learned counsel for the Petitioner draws attention of the Court to the additional affidavit filed by Opposite Party on 25th August, 2022, wherein it has been categorically stated that the Petitioner has left the child with the custody of one Nihar Ranjan Parida, eldest brother of her husband. The child is at present staying at Flat No.A/507 Rupa-4, Toshali Apartment, Satyanagar, Bhubaneswar in the joint family of Opposite Party.

3. This Court in order to ascertain the condition of the child requests Mr. Mishra, learned counsel to instruct the Petitioner to talk to the child over phone and if possible meet him personally at his place of stay and give a feedback to the Court on the next date.
4. Put up this matter on 19th September, 2022.”

4. Hence, the case was adjourned to 19th September, 2022 on which date Mr. Mishra, learned counsel for the Petitioner submitted that the Petitioner has personally talked with the child over phone, who appears to be happy in the present situation, but she has not personally met with the child as per the order dated 29th August, 2022. Hence, she prayed for an adjournment to personally meet the child and file an affidavit. Today, a prayer for adjournment is made on behalf of the Petitioner stating that the Petitioner has met with an accident and has not visited the child personally.

5. In view of the submission made by Mr. Mishra, learned counsel for the Petitioner on 19th September, 2022 to the effect that the child is happy in the present situation, this Court feels that no fruitful purpose will be served in proceeding with the writ petition. Accordingly, the impugned order is confirmed directing custody of the child to be with Opposite Party-father and granting visitation right to the Petitioner. This Court grants liberty to the Petitioner to move learned Judge, Family Court, Bhubaneswar, if any further cause of action arises.

6. With the aforesaid observation, this writ petition is disposed of.

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

(K.R. Mohapatra)
Judge