

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11577 OF 2022

Saroj Kumar Das

Petitioner

Mr. G. Nayak, Advocate

-versus-

Swati Das

.... Opp. Party

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

07.07.2022

Order No.

- 2.
1. This matter is taken up through hybrid mode.
 2. This writ petition has been filed seeking for a direction to learned Judge, Family Court, Bhubaneswar for early disposal of C.P. No.143 of 2017 pending before him.
 3. Mr. Nayak, learned counsel for the Petitioner submits that C.P. No.143 of 2017 has been filed by the Opposite Party-Wife under Section 13(1) of the Hindu Marriage Act, 1955. Conciliation being failed, the matter at present has been posted for hearing. The Opposite Party instead of adducing evidence in the matter is taking adjournment on each date for which the matter is lingering. Due to pendency of the civil suit, the Petitioner is highly prejudiced. Hence, he prays for a direction for the aforesaid relief.
 4. Upon hearing learned counsel for the Petitioner and on perusal of the record, it appears from the pleading in the writ petition that the civil proceeding is ready for hearing. It is also pleaded that since both the parties are agreed to dissolve their marriage, the judgment could be passed under Order XII Rule

6 C.P.C. But in absence of the order sheet, this Court is not in a position to ascertain the stage of the civil proceeding. The Court is also conscious of the fact that there is a huge pendency of such nature of cases before learned Judge, Family Court, Bhubaneswar. In that view of the matter, I am not inclined to grant the prayer made by learned counsel for the Petitioner.

5. However, the writ petition is disposed of with a direction that in the event, the Petitioner files an application for early disposal of the civil proceeding stating the grounds therein within a period of two weeks hence, learned Judge, Family Court, Bhubaneswar shall do well to consider such application at an early date preferably within a period of fifteen days therefrom giving opportunity of hearing to the parties concerned and proceed with the civil proceeding accordingly.

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

(K.R. Mohapatra)
Judge