

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 17345 OF 2022

Ajanta Ghosh @ Choudhury* *Petitioner

Mr. Biplaba P.B. Bahali, Advocate

-versus-

Amitav Ghosh

.... ***Opp. Parties***

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
20.07.2022**

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction for early disposal of C.P. No.680 of 2016 pending before learned Judge, Family Court, Bhubaneswar.
3. Mr. Bahali, learned counsel for the Petitioner submits that although the civil proceeding has been filed under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 for dissolution of marriage by a decree of divorce and the Opposite Party-husband has led evidence, but the Petitioner could not lead evidence on her behalf, as the Opposite Party-husband is insisting upon filing of disclosure affidavit by the Petitioner as per the guidelines in the case of ***Rajnesh –v- Neha and another***, reported in (2021) 2 SCC 324. The Petitioner is ready and willing to lead her evidence and wants early disposal of the civil proceeding for the interest of justice. He undertakes that the Opposite Party shall cooperate with learned Judge, Family Court, Bhubaneswar for early disposal of the civil proceeding. It is his submission that

there is also no legal impediment for early disposal of the civil proceeding.

4. Taking into consideration the submission made by learned counsel for the Petitioner, it appears that the Opposite Party-husband has already led his evidence in the matter. Due to non-cooperation of the present Petitioner, the matter is being delayed.

5. It is, however, submitted by Mr. Bahali, learned counsel for the Petitioner that as the previous Advocate engaged by the present Petitioner was not cooperating, such a situation arose.

6. Be that as it may, it appears that there is no impediment on the part of the Petitioner (respondent therein) to lead evidence in the case. As evidence from the side of the Petitioner has not yet commenced, no direction can be made in this writ petition for early disposal of the civil proceeding. It is, however, open to the Petitioner to cooperate with learned Judge, Family Court, Bhubaneswar and lead evidence in her support and in that event, learned Judge, Family Court, Bhubaneswar may make an endeavour for early disposal of the civil proceeding.

7. With the aforesaid observation and direction, the writ petition is disposed of.

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

(K.R. Mohapatra)
Judge

bks