

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 17868 OF 2022

Sunil Kumar Mishra

Petitioner

Mr. Manas Pati, Advocate

-versus-

***Judge, Family Court, Berhampur and Opp. Parties
another***

Mr. Suvashish Pattnaik,
Additional Government Advocate

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

**ORDER
27.07.2022**

Order No.

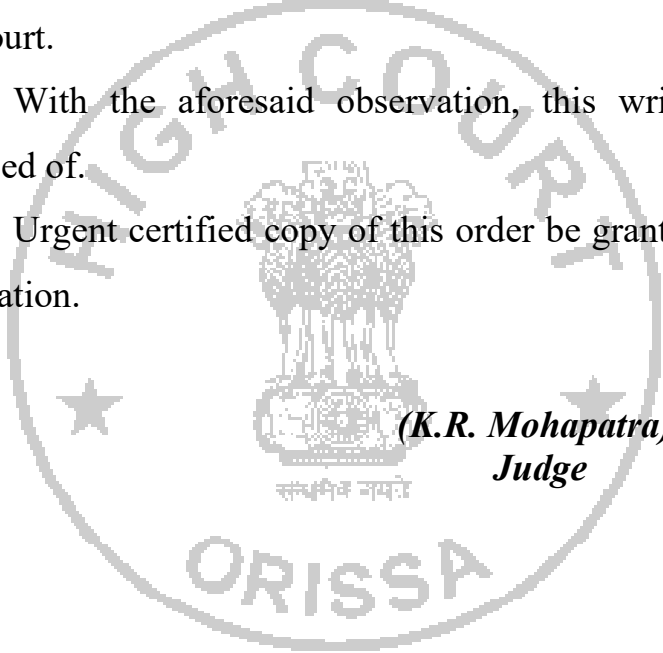
01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction for early disposal of Civil Proceeding No.461 of 2021 pending before learned Judge, Family Court, Berhampur.
3. It is submitted by Mr. Pati, learned counsel for the Petitioner that Civil Proceeding No.730 of 2019 was filed before learned Judge, Family Court, Bhubaneswar by the Petitioner under Section 13 (1)(ia) of the Hindu Marriage Act, 1955 for dissolution of marriage by a decree of divorce. Subsequently, on an application filed by the Opposite Party No.2, the matter was transferred to the learned Judge, Family Court, Berhampur, Ganjam and the same was re-numbered as C.P. No.461 of 2021. As the Opposite Party No.2 is not cooperating with learned Judge, Family Court, Berhampur the matter could not proceed further and is pending awaiting appearance of Opposite Party No.2. Due to non-cooperation of

the Opposite Party No.2, the Petitioner is highly prejudiced. Hence, he prays for a direction for early disposal of the same.

4. Keeping in view the submission made by learned counsel for the Petitioner, this Court is of the considered opinion that the civil proceeding (C.P. No.461 of 2021) cannot be directed to be disposed of at this stage as it is not ready. However, the Petitioner, if so advised, may move learned Judge, Family Court, Berhampur for taking coercive measure against the Opposite Party No.2, if she is not cooperating with the Court.

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

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

The seal of the Orissa High Court is a circular emblem. It features the State Emblem of India at the top center, which is a four-lion capital of an abacus. Below the emblem is the motto 'Satyameva Jayate' in Devanagari script. The words 'HIGH COURT' are written in a semi-circle above the emblem, and 'ORISSA' is written in a semi-circle below it. Two stars are positioned on either side of the central emblem.
(K.R. Mohapatra)
Judge