

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 18389 OF 2022

Priyanka Das

..... Petitioner

Mr. H.S. Satapathy, Advocate

-versus-

Amit Mohanty

..... Opp. Party

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

08.08.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks for a direction to learned Judge, Family Court, Bhubaneswar for early disposal of I.A. No.9 of 2022 (arising out of C.P. No.453 of 2018).
3. It is submitted by Mr. Satapathy, learned counsel for the Petitioner that C.P. No.453 of 2018 has been filed by the Opposite Party under Section 13(1) of the Hindu Marriage Act, 1955 (for short 'the Act'). After appearance, the Petitioner is diligently defending her case before learned Judge, Family Court, Bhubaneswar. Although maintenance under Section 125 Cr.P.C. has been granted in favour of the Petitioner and her daughter, the Opposite Party without paying the same is pursuing the civil proceeding for divorce. Several execution case for realization of the amount granted in favour of the Petitioner and her daughter are pending before learned Judge, Family Court, Bhubaneswar. When the Opposite Party failed to realize the maintenance amount granted in favour of the Petitioner and her daughter under Section 125 Cr.P.C., she filed an application on 24th January, 2022 under Section 24 of the

Act for *pendente lite* maintenance. The Petitioner has also filed a petition for stay of further proceeding in C.P. No.453 of 2018 for non-payment of maintenance under Section 125 Cr.P.C. Although the Opposite Party has filed objection to the petition for stay of civil proceeding, he has not filed any objection to the proceeding under Section 24 of the Act as yet. In view of the above, the petition under Section 24 of the act is pending consideration, for which the Petitioner is highly prejudiced. Hence, learned counsel for the Petitioner prays for early disposal of the petition in I.A. No.9 of 2022 filed under Section 24 of the Act.

4. Taking into consideration the fact that hearing of the civil proceeding has already commenced and that objection to the I.A. No.9 of 2022 has yet to be filed, I am not inclined to grant the prayer made in this writ petition.

5. It is, however, open to the Petitioner to move learned Judge, Family Court, Bhubaneswar for early disposal of the I.A. No.9 of 2022 filed under Section 24 of the Act.

6. Accordingly, this writ petition is disposed of.

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

(K.R. Mohapatra)
Judge

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