

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 20278 OF 2022

Dr. Shakti Prasad Sahoo

....

Petitioner

Mr. Surya Prasad Mishra,
Senior Advocate being assisted
by Mr. Siva Sankar Chaini, Advocate

-versus-

Swarna Prava Sahu and another

....

Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

06.09.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the order dated 25th June, 2022 (Annexure-6) passed by learned Judge, Family Court, Balasore in G. Misc. Case No.29 of 2022 rejecting three petitions filed by him on 12th May, 2022 invoking the provisions of Section 151 C.P.C.
3. In the first petition, the Petitioner has prayed for a direction to the Opposite Party No.1 to cause production of Opposite Party No.2 (minor child) before Family Court. The second petition relates to the prayer for vaccination of minor child. The 3rd petition relates to the prayer for admission of Opposite Party No.2 (minor child) in KIIT International School, Bhubaneswar.
4. Mr. Mishra, learned Senior Advocate submits that the Petitioner the present writ petition is confined to the order passed refusing production of child in Court. It is his submission that the Respondent-Opposite Party No.1 is not

allowing the Petitioner to meet the minor child. Further, production of child before the Court will facilitate the Court for just adjudication of the petition under Section 7 of the Guardians and Wards Act, 1890. Hence, learned Judge, Family Court, Balasore ought not have rejected the petition at the threshold. The rest of the petitions should have been kept pending for consideration at appropriate stage of the proceeding. In course of hearing, he further submits that the petition for production of child in Court was not properly couched. Hence, he seeks leave of this Court to file a properly constituted application to meet/visit the child.

5. In view of the above, this Court without expressing any opinion of the merits of the case disposes of this writ petition with a direction that in the event, the Petitioner files a properly constituted application to visit child, the same shall be considered in accordance with law giving opportunity of hearing to the parties concerned.

6. The prayer made in other two petitions may also be considered at the appropriate stage of the proceeding without being influenced by rejection of those petitions, if fresh petition is/are filed to that effect.

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

(K.R. Mohapatra)
Judge