

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 20822 OF 2022

Puspita Rout

..... Petitioner

Mr. S.S. Das, Senior Advocate
along with Ms. S. Das, Advocate

-versus-

Pramod Kumar Rout

.... Opp. Party

Miss Deepali Mahapatra, Advocate
on behalf of Mr. P.K. Nanda, Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

17.08.2022

Order No.

2. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to set aside the orders dated 26th July, 2022 and 1st August, 2022 under Annexures-8 and 9 respectively passed by learned Judge, Family Court, Bhubaneswar in C.P. No. 83 of 2018 and further prays to issue direction to the learned Judge, Family Court, Bhubaneswar to hear and dispose of C.P. No.1073 of 2018 along with C.P. No.83 of 2018 analogously at an early date.
3. Mr. Das, learned Senior Advocate appearing for the Petitioner submits that vide order dated 17th March, 2021, learned Judge, Family Court, Bhubaneswar directed to club up C.P. No.1073 of 2018 with C.P. No.83 of 2018. C.P. No.83 of 2018 has been filed by Opposite Party for dissolution of marriage by a decree of divorce. C.P. No.1073 of 2018 has been filed by the present Petitioner for restitution of conjugal rights. Learned Judge, Family Court, Bhubaneswar ignoring the order dated 17th March, 2021

proceeded with C.P. No.83 of 2018 and kept the judgment reserved to be delivered on 20th August, 2022.

4. Miss. Mahapatra, learned counsel for the Opposite Party submits that the submission of Mr. Das, learned Senior Advocate appearing for the Petitioner is correct. She, therefore, submits that a direction may be issued not to deliver the judgment in C.P. No. 83 of 2018 and to record the evidence in C.P. No. 1073 of 2018. It is her submission that the Opposite Party will not adduce any evidence in C.P. No. 1073 of 2018, but will cross-examine the witnesses to be examined on behalf of the Petitioner therein. After closure of the evidence in C.P. No.1073 of 2018, both the civil proceedings may be taken up together and the same may be disposed of in accordance with law.

5. Taking into consideration the submissions of learned counsel for the parties, this Court disposes of this writ petition with a direction that learned Judge, Family Court, Bhubaneswar shall not pronounce the judgment in C.P. No.83 of 2018 on the date fixed. On closure of the evidence in C.P. No.1073 of 2018, both the civil proceedings shall be taken up together and the same shall be disposed of by a common judgment. The entire exercise shall be completed within a period of two months from the date of production of certified copy of this order.

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

(K.R. Mohapatra)
Judge

bks