

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 21799 OF 2022

Bijay Kumar Sethy

....

Petitioner

Mr. Ajaya Kumar Moharana, Advocate

-versus-

Himanitini Manjari Sethy

....

Opp. Party

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

23.09.2022

Order No.

1. This matter is taken up through hybrid mode.
2. This writ petition has been filed for a direction to the learned Judge, Family Court, Keonjhar to dispose of C.P. No. 89 of 2017 at an early date.
3. Mr. Moharana, learned counsel submits that the Petitioner has filed the aforesaid civil proceeding under Section 13(1) of the Hindu Marriage Act, 1955 (for short 'the Act') for dissolution of marriage by a decree of divorce. In the meantime, the Opposite Party-Wife has already been examined in the said civil proceeding. However, due to the fact that the Opposite Party had moved this Court in W.P.(C) No.16304 of 2022, , the matter could not proceed further. In the meantime, said writ petition has already been disposed on 8th July, 2022 and there is no legal impediment to dispose of C.P. No.89 of 2017 at an early date.
4. Upon hearing learned counsel for the Petitioner and on perusal of the order dated 5th August, 2022 (Annexure-1), it is apparent that earlier writ petition was moved by the Opposite Party to stay further proceeding of C.P. No. 89 of 2017 until the

Petitioner clears up the arrear monthly maintenance as directed to be paid vide order dated 25th November, 2019 in I.A. No. 3 of 2019. Thus, learned Judge, Family Court, Keonjhar after receipt of the order dated 8th July, 2022 passed in W.P.(C) No.16304 of 2022 posted the matter to 8th August, 2022 for further orders.

5. Mr. Moharana, learned counsel submits that the Petitioner has already paid Rs.40,000/- to the Opposite Party out of the arrear maintenance. He, however, undertakes to pay rest of the arrear amount within a short period.

6. In view of the above, this writ petition is disposed of with an observation that in the event the Petitioner clears up the arrear *pendente lite* maintenance granted to the Opposite Party under Section 24 of the Act and makes an application for early disposal of C.P. No. 89 of 2017 stating the grounds therein, learned Judge, Family Court, Keonjhar shall do well to consider the same expeditiously and proceed with the matter in accordance with law, if there is no legal impediment.

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

(K.R. Mohapatra)
Judge

bks