

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 22583 OF 2022

Sushree Smita Rout and another* *Petitioners

Mr. P.K. Das, Advocate

-Versus-

The Judge, Family Court, Jajpur and another* *Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

07.09.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioners in this writ petition seek for a direction for early disposal of Cr. P. No. 187 of 2019 pending before learned Judge, Family Court, Jajpur under Section 125 Cr.P.C.
3. Mr. Das, learned counsel for the Petitioners submits that earlier the Opposite Party No.2 had filed C.P. No. 62 of 2019 under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights. During mediation, a petition was filed by the Petitioner No.1 showing her preparedness to go with Opposite Party No.2, but he refused to sign the petition and to take the Petitioner No.1 with him. Subsequently, the Opposite Party No.2 had withdrawn that civil proceeding on 4th December, 2021. The Petitioner No.1 is a destitute lady having no independent source of income and the minor child is staying with her. In that view of the matter, finding no other alternative, the Petitioner No.1 filed an application under Section 125 Cr.P.C. for maintenance in Cr.P. No.187 of 2019, which is

pending before learned Judge, Family Court, Jajpur for consideration. It is further submitted that the Opposite Party No.2 in order to drag the litigation is not cooperating with the conciliator. As such, conciliation report has not yet been submitted. Due pendency of the case, the Petitioners are seriously prejudiced as they are deprived of their legitimate expectation from the Opposite Party No.2. He, therefore, prays for the aforesaid relief.

4. Taking into consideration the submission made by learned counsel for the Petitioners, this Court finds that the matter is pending for conciliation. Hence, no direction for early disposal of Cr.P. No. 187 of 2019 filed under Section 125 Cr.P.C. can be granted at this stage. It is, however, observed that the Petitioners, if so advised, may file an application for interim maintenance for their sustenance.

5. The writ petition is accordingly disposed of.

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

(K.R. Mohapatra)
Judge

bks