

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 24733 OF 2022

Rakesh Kumar Samantaray ***Petitioner***
Mr. Manoj Kumr Mohanty, Advocate
-versus-
Adhyatima Das and another ***Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

Order No. **ORDER**
28.09.2022

1. 1. This matter is taken up through hybrid mode.
2. 2. The Petitioner in this writ petition prays for a direction for early disposal of C.P. No. 141 of 2018 pending before learned Judge, Family Court, Kendrapada.
3. 3. Mr. Mohanty, learned counsel for the Petitioner submits that after failure of conciliation, the Petitioner has already examined himself as P.W.1, but the Opposite Parties are taking adjournments for cross-examination of P.W.1 for which the Petitioner is seriously prejudiced. It is his submission that there is no legal impediment for early disposal of C.P. No. 141 of 2018. He, therefore, prays for a direction to the learned Judge, Family Court, Kendrapada to make an endeavour for early disposal of the civil proceeding.
4. 4. Considering the submission made by learned counsel for the Petitioner and on perusal of the order sheet annexed to the writ petition as Annexure-2, it appears that conciliation between the parties has failed. However, learned counsel for the Petitioner submits that the Petitioner has already been examined himself as

P.W.1 and the matter is being deferred for his cross-examination by the Opposite Parties. Since up-to-date order sheet is not available on record, it is very difficult for this Court to ascertain the present stage of the civil proceeding.

5. Accordingly, this writ petition is disposed of with a direction that the Petitioner, if so advised, may file an application for early disposal of C.P. No. 141 of 2018 stating the grounds therein and in that event, learned Judge, Family Court, Kendrapada shall do well to consider the said application in accordance with law and proceed with the matter accordingly, if there is no legal impediment. Liberal/unnecessary adjournments should not be granted in the civil proceeding. Parties are directed to co-operate with learned Judge, Family Court, Kendrapada for early disposal of civil proceeding.

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

bks

सत्यमेव जयते

(K.R. Mohapatra)
Judge

ORISSA