

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO. 928 OF 2022

Sanjeeb Kumar Mallick ***Petitioner***

Mr. Arijeet Mishra, Advocate

-versus-

Adyashree Das @ Mallick ***Opp. Parties***

Mr. Prasanta Kumar Satapathy, Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

14.11.2022

Order No.

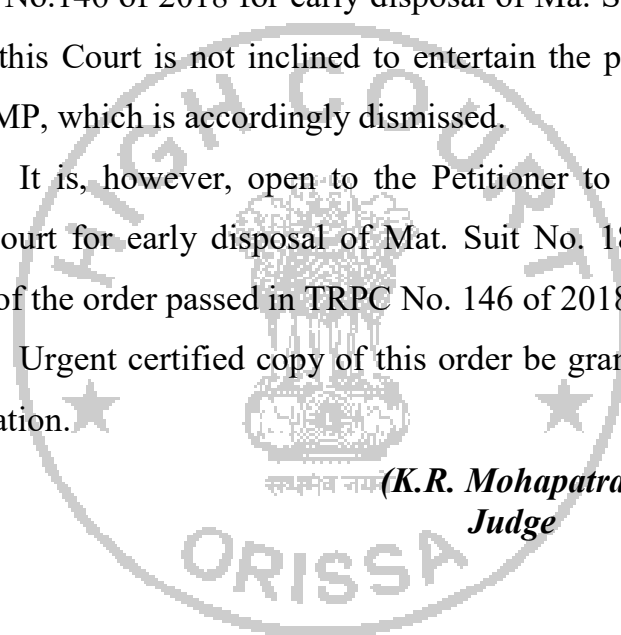
01. 1. This matter is taken up through hybrid mode.
2. This CMP has been filed seeking for a direction to the learned Civil Judge (Senior Division), Athagarh to dispose of Mat. Suit No.287 of 2017 at an early date.
3. Mr. Mishra, learned counsel for the Petitioner submits that the Opposite Party-Wife has filed Mat. Suit No.287 of 2017 for dissolution of marriage by a decree of divorce. Although the matter is ready in all respect, learned Civil Judge (Senior Division), Athagarh is not making any endeavour for early disposal of the suit. It is his submission that there is no legal impediment for early dispose of the same. Hence, he prays for a direction for the aforesaid relief.
4. Mr. Satapathy, learned counsel for the Opposite Party, on the other hand, submits that due to non-cooperation of the Petitioner, the matter is being delayed. Due to his non-appearance in spite of repeated notice from the trial Court, he has been set ex parte vide order dated 22nd April, 2022. Although he has been set ex parte, he is filing different

proceedings to linger the matter. He further submits that a direction has already been issued in TRPC No. 146 of 2018 for early disposal of the Mat. Suit No. 287 of 2017. As such, the Petitioner is not entitled to any relief in this CMP. He, however, submits that the Opposite Party does not have any objection if the suit is disposed of at an early date.

5. Taking into consideration the rival contentions of the parties and the fact that a direction has already been issued in TRPC No.146 of 2018 for early disposal of Ma. Suit No. 187 of 2017, this Court is not inclined to entertain the prayer made in this CMP, which is accordingly dismissed.

6. It is, however, open to the Petitioner to move learned trial Court for early disposal of Mat. Suit No. 187 of 2017 in terms of the order passed in TRPC No. 146 of 2018.

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

The seal of the High Court of Orissa is a circular emblem. It features the Ashoka Lion Capital in the center, with the words 'HIGH COURT OF ORISSA' around the top and 'ORISSA' at the bottom. Two stars are positioned on either side of the central emblem. Below the seal, the text '(K.R. Mohapatra)' and 'Judge' are written.
(K.R. Mohapatra)
Judge

bks