

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 25129 of 2022

Nirjhar Biswas

....

Petitioner

Mr.Subash Chandra Acharya, Advocate

-versus-

Sonali Biswas

....

Opp. Party

**CORAM:
JUSTICE K.R. MOHAPATRA**

Order No.

**ORDER
28.09.2022**

01. 1. This matter is taken up through Hybrid mode.
2. Petitioner in this writ petition prays for a direction for early disposal of CP No.175 of 2018 pending before learned Judge, Family Court, Bhubaneswar.
3. It is submitted by learned counsel that the Petitioner filed Matrimonial Suit No.1900 of 2015 under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 (for short, 'the Act') for dissolution of marriage by a decree of divorce before learned District Judge, Barasat in West Bengal. Since the Opposite Party-Wife is staying at Bhubaneswar she filed a transfer application before the Hon'ble Supreme Court and the case was transferred to learned Judge, Family Court, Bhubaneswar and renumbered as CP No.175 of 2018. Referring to order sheet as at Annexure-2, learned counsel for the Petitioner submits that since the Petitioner is staying at Barasat in West Bengal, he has to travel all the way to Bhubaneswar to attend the Court on each

date of posting of the case. On 18th April, 2022, the Petitioner was examined as PW-3 and was partly cross-examined by the Opposite Party. Thereafter, the matter was adjourned to 23rd June, 2022, but due to absence of Opposite Party, the matter was again adjourned to 8th August, 2022. On the said date, although both parties were present, learned Judge, Family Court, Bhubaneswar adjourned the matter to 20th September, 2022 for cross-examination of PW-3 (the Petitioner). It is submitted that till date cross-examination of PW-3 is not completed. In view of the above, the Petitioner is seriously prejudiced. Hence, he prays for early disposal of the CP.

4. Considering the submission made by learned counsel for the Petitioner and keeping in mind the difficulties of the Petitioner, this Court, disposes of the writ petition with a direction that learned Judge, Family Court, Bhubaneswar shall not allow any unnecessary long adjournment in the matter. Since the Petitioner is coming from Barasat, West Bengal, all endeavour should be made to complete his cross-examination on the next date of posting. Endeavour shall also be made for early disposal of the CP by learned Judge, Family Court, Bhubaneswar, if there is no legal impediment. Parties are directed to cooperate with learned Judge, Family Court, Bhubaneswar.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge