

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 25837 of 2022

Sujata Dehury

.... Petitioner

Mr. Samvit Mohanty, Advocate

-versus-

Gopabandhu Behera

.... Opp. Party

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

01.11.2022

Order No.

1. This matter is taken up through hybrid mode.
2. Petitioner in this writ petition seeks to assail the order dated 21st September, 2022 (Annexure-4) passed by learned Judge, Family Court, Angul in CP No.45 of 2019, whereby an application filed by the Petitioner to accept her written statement has been rejected.
3. It is submitted by Mr. Mohanty, learned counsel for the Petitioner that pursuant to summons issued by the Family Court, the Petitioner entered appearance through her counsel and sought for an adjournment to file written statement. But she being a rustic lady and that learned counsel did not inform her about the developments in the proceeding, she could not file her written statement.
4. In course of hearing Mr. Mohanty, learned counsel for the Petitioner fairly concedes that trial of the proceeding has already commenced and the Petitioner has already cross-examined PW-1. He, however, submits that a sympathetic view may be taken to allow the petition to file the written statement more particularly in view of the averments made in paras-7 and

8 of the petition filed under Section 13 (1) of the Hindu Marriage Act, 1955 (for short, 'the Act').

5. Taking into consideration the submission made by learned counsel for the Petitioner and on perusal of record, it appears that serious allegations have been made at paras-7 and 8 of the petition under Section 13(1) of the Act. However, the grounds taken by the Petitioner in her petition for acceptance of written statement under Annexure-2 cannot be held to be sufficient to accept the written statement after commencement of the trial, more particularly in view of the case law decided in *Arjun Singh Vs. Mohindera Kumar and others*, reported in AIR 1964 SCC 993. Since the Family Court has already allowed the Petitioner (respondent therein) to cross-examine the witness of the Opposite Party (Petitioner therein), this Court finds that filing of written statement at this stage will certainly prejudice the Opposite Party. It further appears that learned Judge, Family Court, Angul has allowed sufficient opportunity to the Opposite Party (Petitioner herein) to file her written statement.

6. In view of the above, I do not find any infirmity in the impugned order. Accordingly, the writ petition being devoid of any merit stands dismissed.

(K.R. Mohapatra)
Judge