

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 25985 of 2022

Swaraj Kumar Dhar

....

Petitioner

Mr. Lingaraj Sarangi, Advocate

-versus-

Amrita Suvdarsinee Rath

....

Opp. Party

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

**ORDER
02.11.2022**

Order No.

- 02.
1. This matter is taken up through Hybrid mode.
 2. Petitioner in this writ petition prays for a direction for early disposal of Civil Proceeding No.650 of 2019 pending before learned Judge, Family Court, Bhubaneswar.
 3. It is submitted by learned counsel for the Petitioner that the Petitioner had also approached this Court in W.P.(C) No.5309 of 2022, which was disposed of vide order dated 22nd March, 2022 with a direction that in the event Petitioner files an application for early disposal of CP No.650 of 2019 after the matter becomes ready for hearing, learned Judge, Family Court, Bhubaneswar shall consider the said application and proceed with the matter accordingly. Pursuant to the said direction, the Petitioner filed an application for early disposal of the CP. The application was considered vide order dated 13th April, 2022 by learned Judge, Family Court, Bhubaneswar. Although the application was allowed, but surprisingly the Family Court posted the matter after three months for service of copy of

evidence filed by the Respondent and for hearing. It is submitted by learned counsel for the Petitioner that when learned Judge, Family Court Bhubaneswar had allowed the petition for early hearing it should not have adjourned the matter for a period of three months. Hence, he prays for a direction to learned Family Court to dispose of the CP within a reasonable period.

4. Considering the submission made by learned counsel for the Petitioner and on perusal of record, it appears that pursuant to direction of this Court in W.P.(C) No.5309 of 2022, learned Judge, Family Court, Bhubaneswar took up the petition for early date of hearing and subsequently posted the matter to 9th September, 2022 for service of copy of the evidence affidavit filed by the Respondent. Since learned Judge, Family Court, Bhubaneswar has posted the matter taking into consideration the pendency of the cases before him, this Court should not sit over it and control the board of learned Family Court by directing the matter to be disposed of by a particular date in absence of any compelling circumstance available on record. As such, I am not inclined to entertain the writ petition.

5. Accordingly, the writ petition being devoid of any merit stands dismissed.

Issue urgent certified copy of the order on proper application and removal of defect No.3.

(K.R. Mohapatra)
Judge