

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO. 1072 OF 2022

Dasarathi Khamari

....

Petitioner

Mr. Ghanashyam Banji, Advocate on
behalf of Mr. Saroj Kumar Padhy, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. A.R. Dash,
Additional Government Advocate
(For Opp. Party No.1)

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

**ORDER
02.11.2022**

Order No.

2.
 1. This matter is taken up through hybrid mode.
 2. This CMP has been filed for a direction for early disposal of C.S. (Matrimonial) No. 118 of 2014 pending before learned Civil Judge (Senior Division), Patnagarh.
 3. Mr. Banji, learned counsel for the Petitioner submits that the evidence from the side of the Plaintiff-Petitioner has been closed since 7th March, 2020. Thereafter, the suit being adjourned at the instance of Opposite Party-wife. Since the suit is filed under Section 13(1) of the Hindu Marriage Act, 1955, an endeavour should be made for early disposal of the suit. It is his submission that there is no legal impediment for early disposal of the suit. Due to non-cooperation of Opposite Party-wife, the suit is lingering. As such, the Petitioner is highly prejudiced.
 4. Considering the submission made by learned counsel for the Petitioner and on perusal of the order sheet of C.S. (Matrimonial)

No.118 of 2014 annexed to the CMP as Annexure-2, it appears that since 7th March, 2020, the evidence from the side of the Plaintiff-Petitioner has been closed and the suit is being posted for adducing evidence on behalf of Defendant-Opposite Party No.2. Since it is a matrimonial suit and it is submitted that there is no likelihood of re-union between the parties, learned trial Court should make an endeavour for early disposal of the suit.

5. In that view of the matter, the CMP is disposed of with a direction that in the event the Petitioner files an application for early disposal of the suit stating the grounds therein, learned trial court shall do well to consider the same in accordance with law and make an endeavour for early disposal of C.S. (Matrimonial) No. 118 of 2014, if there is no legal impediment. Parties are directed to cooperate with learned trial Court for early disposal of the suit.

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

संक्षेपिक न्यायो

(K.R. Mohapatra)
Judge

ORISSA

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