

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. No. 30052 of 2022

Subhendu Kumar Sahu ***Petitioner***
Mr. Dinesh Kumar Mohanty, Advocate
-versus-
Sasmita Pradhan @ Chumki ***Opp. Party***

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

**ORDER
16.11.2022**

Order No.

1. This matter is taken up through Hybrid mode.
2. Order dated 13th October, 2022 (Annexure-1) passed by learned Judge, Family Court, Sambalpur in CMA (DV) No.7 of 2022 (arising out of CP No.64 of 2022) is under challenge in this writ petition, whereby the Family Court recalled the order of permission to the Petitioner to engage a counsel on his behalf.
3. In course of hearing, learned counsel for the Petitioner submits due to some miscommunication, learned counsel appearing on behalf of the Petitioner did not receive the copy of petition in CMA (DV) No.7 of 2022. However, the Petitioner is ready to engage another counsel, if the permission to that effect is granted.
4. In view of the submission made by learned counsel for the Petitioner, this Court is of the considered opinion that a counsel engaged on behalf of a party in a proceeding before the Family Courts Act has to act as an amicus curie. Learned counsel representing a party in the Family Court in his absence should cooperate with the Court. It appears that the petition

offered by learned counsel for the Opposite Party was refused by learned counsel for the Petitioner to accept. Since learned counsel was acting on behalf of the Petitioner, in all fairness, he should have accepted the petition and cooperate with the Court for further proceeding. However, learned counsel for the Petitioner submits that he will file a fresh application for engagement of another counsel for the Petitioner. If such an application is filed, the same shall be considered in accordance with law giving opportunity of hearing to the parties concerned.

5. With the aforesaid observation, the writ petition is disposed of.

Issue urgent certified copy of the order on proper application.

