

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 36613 of 2021

Lucky @ Jasashree Nayak ***Petitioner***
Miss Deepali Mahapatra, Advocate
-versus-
Silu @ Rashmi Ranjan Nayak ***Opp. Party***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
03.03.2022

Order No.

3. 1. This matter is taken up through Hybrid mode.
2. This writ petition has been filed for a direction to learned Judge, Family Court, Bhadrak for early disposal of CP No.207 of 2021 filed under Section 13(A) of the Hindu Marriage Act, 1955 (for short, 'the Act').
3. Miss Mahapatra, learned counsel for the Petitioner submits that the Opposite Party-husband has also filed an application under Section 13 of the Act in CP No.62 of 2018 and after being transferred and renumbered as CP No.276 of 2019, the matter is pending before the self-same Court. Since both the parties have prayed for dissolution of their marriage by a decree of divorce, interest of justice will be best served if both the applications are heard analogously and a decision is taken in both the application at an early date. It is further submitted that marriage between the parties was solemnized on 13th June, 2017 and since dissension arose between the parties the marriage could not be consummated. After four years of marriage, these applications are filed. Hence, early disposal of the aforesaid Civil Proceedings will give opportunity to the

parties to lead their life independently. It is further submitted that there is no legal impediment for early disposal of both the Civil Proceedings.

4. Taking into consideration the submission of learned counsel for the parties, this Court, without expressing any opinion on the merit of the case of either of the parties in both the Civil Proceedings, directs that in the event the Petitioner files an application for analogous hearing of both the Civil Proceedings and early disposal of the same within a period of two weeks hence along with certified copy of this order, learned Judge, Family Court, Bhadrak shall do well to consider the same in accordance with law giving opportunity of hearing to the parties concerned and make an endeavour for early disposal of both the Civil Proceedings, as expeditiously as possible, preferably by end of July, 2022, if there is no legal impediment.

5. The writ petition is disposed of with aforesaid observation and direction.

6. At this stage, Miss Mahapatra, learned counsel for the Petitioner submits that both the Civil Proceedings are ready for hearing, but due to non-cooperation of the Opposite Party-husband the same could not be disposed of as yet. In view of such submission, it is made clear that learned Judge, Family Court, Bhadrak would be at liberty to take coercive measures, if any of the parties do not cooperate for early disposal of the Civil Proceedings.

s.s.satapathy

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge