

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 33967 OF 2022

Reena Sahoo @ Sandhyarani Sahoo* *Petitioner

Mr. Bijaya Kumar Parida, Advocate

-versus-

Raja @ Raj Kishore Sahoo* *Opp. Party

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

**ORDER
22.12.2022**

Order No.

2.
 1. This matter is taken up through hybrid mode.
 2. This writ petition has been filed assailing the legality and propriety of the order dated 1st December, 2022 (Annexure-4) passed by learned Judge, Family Court, Nayagarh in Civil Proceeding No.87 of 2022, whereby he rejected two petitions filed by the Petitioner, one for precluding the Opposite Party from contesting the suit till disposal of the I.A. and another petition to take up hearing the matter after disposal of the I.A. under Section 24 of the Hindu Marriage Act, 1955 (for short 'the Act').
 3. Mr. Parida, learned counsel for the Petitioner submits that during pendency of the petition, learned Judge, Family Court should not have proceeded for trial of the civil proceeding filed under Section 24 of the Act. It is his submission that the Petitioner has also filed an application to preclude the Opposite Party from participating in the case till disposal of the petition under Section 24 of the Act. Learned Judge, Family Court

without considering the same, directed the parties to come ready for hearing. Hence, this writ petition has been filed.

4. On perusal of the record, it appears that the petition under Section 24 of the Act has been filed on 21st October, 2022. In absence of the order sheet, this Court is not in a position to verify as to why the petition under Section 24 of the Act is still pending. However, the prayer of the Petitioner is to preclude the Opposite Party from participating in the proceeding cannot be entertained, as no order whatsoever in the petition under Section 24 of the Act has yet been passed. Further there is no bar for the Court to proceed with the trial of the civil proceeding during pendency of the petition under Section 24 of the Act. As such, I am not inclined to entertain this writ petition.

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

6. It is, however, observed that learned Judge, Family Court, Nayagarh should make an endeavour for early disposal of the petition under Section 24 of the Act.

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

(K.R. Mohapatra)
Judge

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