IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.1097 of 2026

Priyadarshani Mohanty & Anr. ..... ***Petitioner (s)***

Mr. Ananta Narayan Pattanayak, Advocate

-versus-

Dillip Kumar Jena & Ors. ..... ***Opposite Party (s)***

CORAM:
THE HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

Order No. **10.04.2026**

01.

1. This matter is taken up through hybrid arrangement.

2. The Petitioners have filed this CRLMC seeking a direction from this Court to the learned JMFC, Bhubaneswar to conclude and dispose of the proceeding filed by the Petitioners under the Protection of Women from Domestic Violence Act, 2005 in CMC No.1004 of 2024.

3. The brief fact of the case is that the Petitioners had filed an application under Sections 12, 18, 20 and 22 of the Protection of Women from Domestic Violence (PWDV) Act, 2005 on 21.08.2024 with a prayer for appropriate order for granting monthly maintenance to them as well as litigation expenses so also the compensation to be paid by the Opposite Parties in their favour. The petitioners have filed separate application under Section 23 of the

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Protection of Women from Domestic Violence Act, 2005 on the same day i.e. on 21.08.2024 along with the affidavit of assets and liabilities with a prayer to direct the Opposite Party No.l to pay monthly interim maintenance in favor of the petitioners. The learned trial court had issued summon vide order dated 21.08.2024 to the Opposite Parties. The Opposite Parties repeatedly took time to file their show cause reply as well as the affidavit of assets and liabilities.

4. In view of such facts, though the present Opposite Parties have failed to file their response in due time, the petitioners have filed a petition on 28.11.2024 for strike off the defence of the Opposite Parties for not filing the show cause reply along with the affidavit of assets and liability within a time frame. The Opposite Parties have also filed reply on 04.01.2025 to the application filed by the petitioners under Section 23 of the Protection of Women from Domestic Violence Act, 2005. The present petitioners have also filed the objection to the affidavit of assets and liabilities filed by the Opposite Party No. 1. Even though the present Opposite Party No.l has filed the Affidavit of assets and liabilities, but due to suppression of the material facts and non-disclosure of proper information as per the Enclosure-I of the Format, The present petitioners have filed application under Section 340 of Cr.P.C. read

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with Section-379 of BNSS against the Opposite Party No. 1 for suppression of the material facts in the said affidavit. Thereafter, the petitioners have filed an application on 06.05.2025 before the learned concerned court with a prayer to issue direction to the Opposite Party No.l to provide the statements of last 3 years of all Bank accounts maintained by him. Out of all those applications, only one petition i.e. for striking off the defence of the Opposite Parties filed by the petitioners has been heard by the learned concerned court wherein the said petition has been dismissed vide order dated 21.06.2025.

5. Being aggrieved by the said order, the petitioners preferred an Appeal before the learned District and Sessions Judge, Bhubaneswar vide Criminal Appeal No.68 of 2025 and the said Appeal has been heard by the learned Additional District and Sessions Judge-cum-Special Judge (CBI Court No.II), Bhubaneswar and the same was disposed of vide judgment dated 05.12.2025 allowing the same in part with a direction to the learned Trial court to dispose of the objection filed by the Appellants/ aggrieved persons dated 04.01.2025 by giving opportunities to both the parties to place their matter. It was further directed that after disposal of the objection, the learned trial court will consider the application for striking off the defence

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afresh on its own merit. Being aggrieved with the delay in disposal of the CMC No.1004 OF 2024 which is the proceeding initiated by the petitioners under Protection of Women from Domestic Violence Act, 2005 vide CMC No.1004 of 2024 is pending in the court of leaned JMFC, Bhubaneswar, the petitioners are constrained to approach this Court.

6. Upon hearing the learned counsel for the Petitioners and on going through the averment made in this petition, this Court is of the view that it is mandated to complete the proceeding within 60 days from the date of first hearing as per Sub-section 5 of Section 12 of the Protection of Women from Domestic Violence Act, 2005. Hence, this Court directs the learned JMFC, Bhubaneswar to stick to the time line as prescribed under the Act and dispose of the CMC No.1004 of 2024 within a period of two months, failing which this Court shall take it seriously.

7. The CRLMC stands disposed of, accordingly.

(Dr. Sanjeeb K Panigrahi)
Judge

Gitanjali

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