
(2024) 01 OHC CK 0167

Orissa High Court

Case No: Writ Petition (C) No. 31084 Of 2023

Tofan Kumar Sahoo

APPELLANT

Vs

Archana Sahoo

RESPONDENT

Date of Decision: Jan. 18, 2024

Acts Referred:

- Hindu Marriage Act, 1955 - Section 24

Hon'ble Judges: K.R. Mohapatra, J

Bench: Single Bench

Advocate: Subhransu Thakur

Final Decision: Disposed Of

Judgement

K.R. Mohapatra, J

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks for a direction to set aside the order dated 17th July, 2023 (Annexure-1) passed by learned Judge, Family Court, Jagatsinghpur in I.A. No.16 of 2023 (arising out of C.P. No.107 of 2020), whereby allowing an application under Section 24 of the Hindu Marriage Act, 1955, the Petitioner has been directed to pay pendente lite maintenance of Rs.3,000/- per month to the Opposite Party from the date of filing of the application, i.e., from 31st March, 2023 along with litigation expenses of Rs.5,000/-. The Petitioner also prays for a direction to learned Judge, Family Court for early disposal of C.P. No.107 of 2020.
3. In course of hearing, Mr. Thakur, learned counsel submits that the Petitioner does not want to press the relief seeking to set aside the order dated 17th July, 2023. It is submitted that in the facts and circumstances of the case, interest of justice will be best

served, if C.P. No.107 of 2020 is disposed of at an early date. It is his submission that evidence of the Petitioner, who is applicant before learned Family Court, has already been closed. As per his instruction, at present, the proceeding is posted for examination of witness on behalf of the Respondent-Wife. Only one witness remains to be examined on behalf of the Respondent-Wife. Hence, there is no legal impediment for early disposal of C.P. No.107 of 2020.

4. Considering the submission made by learned counsel for the Petitioner, this Court without interfering with the impugned order under Annexure-1 disposes of the writ petition with a direction that if the submission of learned counsel for the Petitioner is correct, learned Judge, Family Court, Jagatsinghpur shall make an endeavour to see that C.P. No.107 of 2020 is disposed of at an early date giving opportunity of hearing to the parties concerned.

5. As trial of the civil proceeding is stated to have commenced, learned Judge, Family Court shall not grant any unnecessary/long adjournment to any of the parties to the proceeding. Parties are also directed to cooperate with learned Family Court for early disposal of the civil proceeding. If any of the parties does not cooperate for early disposal of the civil proceeding, learned Judge, Family Court may take coercive measure in accordance with law.

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

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