
(2022) 04 OHC CK 0073
In the Orissa High Court
Case No : Writ Petition (C) No. 9255 Of 2022

Barennya Padhy

APPELLANT

Vs

Biswajit Das

RESPONDENT

Date of Decision : 12-04-2022

Acts Referred:

Citation : (2022) 04 OHC CK 0073

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

Bench : Single Bench

Judgement

K.R. Mohapatra, J

1. This matter is taken up through hybrid mode.
2. On oral prayer of Mr. Sarangi, learned counsel for the Petitioner, he is permitted to correct the typographical errors in page-9 of the writ petition in Court.
3. This writ petition has been filed assailing order dated 5th April, 2022 as well as orders dated 17th March, 2022 and 27th December, 2021 (Annexure-3 series) passed by learned Judge, Family Court, Bhubaneswar in CP No.921 of 2019.
4. Mr. Sarangi, learned counsel submits that due to un-timely death of learned counsel engaged by the Petitioner and non-cooperation of the subsequent learned Advocate engaged by her before the learned Judge, Family Court, Bhubaneswar, she could not participate in the proceeding and move the petition(s) filed by her. As a result, she (the respondent in CP No.921 of 2019) has been deprived of cross-examining PW-1; so also to lead her evidence in the matter, although she has already filed her written statement. She is ready and willing to participate in the proceeding, if provided with an opportunity.
5. In view of the above, this Court is of the considered opinion that the Petitioner/ Respondent should be given another opportunity to file application for recall of PW-1 and to lead her evidence. It is more so, because the Opposite Party has not

yet been noticed and it will take some time to serve notice and to hear the writ petition on merit.

6. Therefore, this Court observes that in the event Petitioner files an application for recall of PW-1 and to permit her to lead evidence in the matter, the same shall be considered liberally taking into consideration the materials available on record and giving opportunity of hearing to the parties concerned.

7. Mr. Sarangi, learned counsel for the Petitioner undertakes to file such an application along with certified copy/authenticated copy of this order by tomorrow before learned Judge, Family Court, Bhubaneswar.

8. Put up this matter on 27th April, 2022.

Issue urgent certified copy of the order on proper application.

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