



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.7501 of 2026

Debadarsini Das

....

Petitioner

Mr. G. Mishra and
Mr. Soumya Jyoti Biswal, Advocate

-versus-

Bibswan Jena

....

Opposite Party

CORAM:
JUSTICE MRUGANKA SEKHAR SAHOO

ORDER
12.03.2026
(Hybrid Mode)

Order No.

01.

1. Learned counsel for the petitioner was heard at length.
2. Petitioner-wife in the marriage is before this Court challenging the order dated 02.02.2026 passed by the learned Judge, Family Court, Bhadrak in C.P. No. 149 of 2023.
3. By the said order the petition filed by the petitioner-husband in the marriage under Order 6 Rule 17 of CPC arising out of C.P. No. 149 of 2023 was allowed, thereby, subject to payment of cost of ₹500/- within seven days of passing of order, consolidated/amended plaint is to be filed and the matter was posted to 5.3.2026. It is submitted by the learned counsel Mr. Mishra that after



framing of issue amendment was sought for which has been allowed. Therefore, the Court has committed error.

4. The amendment sought for has been reflected in the order of the learned Judge, Family Court dated 02.02.2026 which has been reproduced herein :

"It is submitted by learned counsel for the petitioner

that in the plaint of the petition the date mentioned in para. 4 of the petition under Sec. 13 of the Hindu Marriage Act after the word "Lady" and before the full stop (.) mark of first sentence the conjunction and words "and psychiatric patients be written. After the end of para 8 and beginning of

para-9 of the petition under Sec. 13 of the Hindu Marriage Act the sentence "the respondent is a psychiatric patient and her disease is in incurable stage. Due to her disease the respondent was frequently attempting to commit suicide during stay in the matrimonial home" be mentioned."

5. In response thereto, learned counsel for the petitioner was asked whether the ground of 'insanity' is available to be taken in section 13 of the application. If such ground is taken and if the amendment is not allowed in the C.P. filed before the learned trial court, whether application under section 13(1) of the Hindu Marriage Act on the ground of 'insanity' can be filed or whether suit filed by husband would be res judicata in the subsequent application.

6. Learned counsel for the petitioner has adjournment to address on the above issues. It is submitted by the learned counsel Mr. Mishra as well as Mr. Biswal that the petitioner wants mediation.



7. On being asked under which provision this Court direct mediation apart from the procedure prescribed in Hindu Marriage Act as well as Family Courts Act for the parties to be referred to counselling, the learned counsel seeks and has adjournment to address.

8. It is submitted by learned counsel for the petitioner that the matter before learned Judge, Family Court has been posted to 17.3.2026. On the next date the C.P. No. 149 of 2023 shall be posted beyond 13.04.2026 subject to the convenience of the learned court in seisin of the matter.

9. The matter shall be listed in the week commencing 6.4.2026 under the same heading.

(Mruganka Sekhar Sahoo)
Judge

dutta

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