



IN THE HIGH COURT OF ORISSA, CUTTACK

W.P. (C) No.8811 of 2026

An application under Articles 226 and 227 of the Constitution of India.

Tapas Kumar Rout **Petitioner**

-Versus-

Priyanka Nayak **Opp. Party**

Advocates appeared in the case:

For Petitioner : Mr. S. Sahu, Advocate

For Opp. Party :

CORAM:

THE HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO

J U D G M E N T

Decided on 23rd March, 2026

PER MRUGANKA SEKHAR SAHOO, J.

1. Petitioner-husband is before this Court making the following prayer in the petition :

“It is therefore, prayed that the Hon’ble Court may graciously be pleased to:-

- (i) Admit the writ application;*
- (ii) Call for the records;*
- (iii) Issue a writ of mandamus in directing the Learned Judge, Family Court, Bhadrak to expedite the hearing and dispose of the matrimonial*



proceeding being C.P. Case No.219 of 2021 within a stipulated period;

And pass such other writ/writs, order/orders, direction/directions as may be deemed fit and proper in the facts and circumstances of the case;”

2. Though the matter is listed for fresh admission, in view of the judgment that is going to be passed in the facts and circumstances of the case, no notice is issued to the opposite party-wife in the marriage. This Court is also of the view that the judgment that is being passed, would be no way prejudicial to either of the parties to the present writ petition.

3. Learned counsel for the petitioner refers to the copy of the order sheet in C.P. No. 219 of 2021 annexed to the writ application C.P. has been filed under section 13 of Hindu Marriage Act, 1955 by the petitioner-husband seeking dissolution of marriage by a decree of divorce from the opposite party-wife in the marriage, to submit that the opposite party is seeking unnecessary adjournments and the proceeding is getting prolonged.

4. On being asked whether the petitioner had ever filed any application before the learned Court in seisin indicating that the opposite party is taking unnecessary adjournment and if so what order was passed therein; learned counsel for the petitioner upon instruction submits that no such application has been filed by the petitioner.

5. In considered view of this Court, at the instance of a particular litigant, a Civil Proceeding cannot be



expedited when hundreds of cases are pending before the selfsame Court for adjudication.

For such view this Court relies on the judgment of the Hon'ble Supreme Court in **Criminal Appeal No(s).4758 of 2024: Sangram Sadashiv Suryavanshi versus State of Maharashtra**¹: Paragraphs of the said judgment relied upon are reproduced herein:

“Before we part with this order, every day we notice that in several orders passed by different High Courts while rejecting the bail applications, in a routine manner, the High Courts are fixing a time-bound schedule for the conclusion of the trials. Such directions adversely affect the functioning of the Trial Courts as in many Trial Courts, there may be older cases of the same category pending. Every court has criminal cases pending which require expeditious disposal for several reasons, such as the requirement of the penal statutes, long incarceration, age of the accused, etc. Only because someone files a case in our Constitutional Courts, he cannot get out of turn hearing. Perhaps after rejecting the prayer for bail, the Courts want to give some satisfaction to the accused by fixing a time-bound schedule for trial. Such orders are difficult to implement. Such orders give a false hope to the litigants. If in a given case, in law and on facts, an accused is entitled to bail on the ground of long incarceration without the trial making any progress, the Court must grant bail. Option of expediting trial is not the solution.

In paragraph 47.3 of the decision of a Constitution Bench of in the case of ‘High Court Bar Association, Allahabad vs. State of Uttar Pradesh & Ors.’,¹ this Court has held that in the ordinary course, the Constitutional Courts should refrain from fixing a time-bound schedule for the disposal of cases pending before any other Courts. Paragraph 47.3 reads thus:

“47.3. Constitutional courts, in the ordinary course, should refrain from fixing a time-bound

¹ 2024 INSC 899



schedule for the disposal of cases pending before any other courts. Constitutional courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. The issue of prioritising the disposal of cases should be best left to the decision of the courts concerned where the cases are pending;"

A direction which can be issued in exceptional circumstances is being routinely issued by High Courts without noticing the law laid down by the Constitution Bench.

The Appeal is, accordingly, allowed.

Registry to forward soft copies of this order to Registrar Generals of all the High Courts with a request to them to circulate copies to all the Hon'ble Judges of the High Court."

(Underlined to supply emphasis)

6. Regarding issuance of direction by the High Court to the courts which are in seisin of the matrimonial proceedings apart from the observations of the constitution bench and the subsequent decision: **Sangram Sadashiv Suryavanshi** (*supra*) reiterating the view as noted above, it would be apt to quote the observation of the concurring view of Mithal, J. at paragraph-57 from **High Court Bar Association, Allahabad**² (SCC Online print):

"57. Sometimes, in quest of justice we end up doing injustice. Asian Resurfacing of Road Agency (P) Ltd. v. CBI, (2018) 16 SCC 299 : (2020) 1 SCC (Cri) 686 is a clear example of the same. Such a situation created ought to be avoided in the normal course or if at all it arises be remedied at the earliest. In doing so, we have to adopt a practical and a more pragmatic approach rather than a technical one which may create more problems burdening the courts with superfluous or useless work. It is well said that useless work drives

² High Court Bar Association, Allahabad v. State of Uttar Pradesh and others : (2024) 6 SCC 267



out the useful work. Accordingly, it is expedient in the interest of justice to provide that a reasoned stay order on

ce granted in any civil or criminal proceedings, if not specified to be time-bound, would remain in operation till the decision of the main matter or until and unless an application is moved for its vacation and a speaking order is passed adhering to the principles of natural justice either extending, modifying, varying or vacating the same.”

7. Significantly, above observation of the Hon’ble Apex Court by the Constitution Bench in **High Court Bar Association, Allahabad** (*supra*) reiterated in the subsequent decision rendered in **Sangram Sadashiv Suryavanshi** (*supra*) were made in **Sangram** (*supra*) while discussing right of accused persons for expeditious trial when they are incarcerated due to long pendency of the criminal trial.

In considered opinion of this Court the principles laid down and quoted above shall also apply to other cases where trial/adjudication is pending and parties seek to expedite the proceeding, though several such matters are pending before the Court, the present case being a matrimonial dispute between the petitioner-husband and the opposite party-wife in the marriage.

8. However, it is directed, the petitioner if so advised may move the learned court in seisin of the matter for any appropriate order in accordance with the provisions of Code of Civil Procedure as well as the Family Courts Act, the same



shall be considered and necessary orders shall be passed in accordance with law.

It is further directed both the parties shall cooperate for expeditious adjudication of the pending matters.

9. The petition stands disposed of.

Copy of this order shall be forwarded to the learned Judge, Family Court, Bhadrak to be placed on record of C.P. No.219 of 2021 pending adjudication.

(Mruganka Sekhar Sahoo)
Judge

Orissa High Court, Cuttack
The 23rd March, 2026/Jyostna