



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19175 of 2025

**Dr. Vivek Pursottam
Agrawal**

....

Petitioner

Mr. A. Agarwal, Advocate

-versus-

**Registrar, Family Court,
Bargarh and another**

....

Opposite Parties

*Mr. D.K. Sahoo, AGA
(For Opposite Party No.1)
Mr. A.P. Bose, Advocate
(For Opposite Party No.2)*

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

18.12.2025

**Order No.
05.**

This matter is taken up through hybrid mode.

2. The present writ petition has been preferred by the Petitioner-husband, who is the Petitioner in MAT Case No.689-19 of 2017-2020, preferred by him under Section 13(1)(1-B) of the Hindu Marriage Act, 1955, now pending in the Court of learned Judge, Family Court, Bargarh.

3. A prayer has been made in the writ petition to direct the learned Judge, Family Court, Bargarh to dispose of MAT Case No.689-19 of 2017-2020 within a stipulated period.

4. Needless to mention here that a submission being made by the learned Counsel for the parties, both the parties were directed to appear before the learned Mediator, at High Court Mediation Centre, Aain Seva Bhawan, Cuttack permitting the parties to resolve their dispute and differences amicably with regard to mutual



divorce. Order dated 11.08.2025, being relevant, is reproduced below.

"ORDER
11.08.2025

This matter is taken up through hybrid mode.

2. *It is submitted at the Bar that both the parties are ready and willing for mutual divorce through mediation to resolve the said dispute and differences amicably.*

3. *As suggested by learned Counsel for the parties, the matter is referred to the High Court Mediation Centre for mediation.*

4. *Both the parties are directed to appear before the learned Mediator on 29th August, 2025 at 11.00 A.M. at the High Court Mediation Centre, Aain Seva Bhawan, Cuttack along with their respective Counsel and make an endeavour to settle the matter amicably.*

5. *It is made clear that both the parties will be at liberty to appear before the Mediator through virtual mode, with due permission of the Mediator, in case they face any difficulty on the date fixed to appear physically before the Mediator. The Mediator is requested to explore the facilities of video conferencing available in the Mediation Centre and allow the parties to appear through video conferencing following the guide lines prescribed under the Orissa High Court Video Conferencing for Courts Rules, 2020.*

6. *Learned Mediator is requested to submit the mediation report, if the same is concluded, before the next date of listing.*

7. *The matter be listed in the week commencing from 15th September, 2025.*

8. *Registry is directed to communicate a copy of this order urgently to the Coordinator, High Court Mediation Centre, Cuttack, whose phone number is 9439048489 and e-mail address is*



cac.od-hc@od.gov.in to do the needful, as observed above.”

5. Pursuant to such order, the mediation report dated 29.11.2025 on record indicates that the mediation proceeding was held on 29.08.2025, 25.09.2025, 25.10.2025, 21.11.2025 and finally on 29.11.2025. Despite best efforts put by the learned Mediator, the mediation became “Unsuccessful”.

6. Hence, the writ petition is taken up for hearing and disposal at the stage of admission.

7. Learned Counsel for the Petitioner submits, by mistake, the Registrar, Family Court, Bargarh has been arrayed as a party. That apart, in the prayer portion also, the word “Registrar” has been wrongly typed, instead of only “Family Court, Bargarh”.

8. It is revealed from the record that the Opposite Party No.2-wife approached the Supreme Court in TRP(C) No.718 of 2018 for transfer of proceeding in C.S. No.688 of 2017, pending before the Court of learned Principal Judge, Family Court, Surat to the Court of learned Judge, Family Court, Bargarh, Odisha. The Supreme Court, vide order dated 26.11.2019, allowed the said prayer for transfer of the proceeding. While allowing such prayer, the Supreme Court observed as follows:

*“On receipt of the case record, the transferee Court is directed to make all endeavor for amicable settlement **or for early decision in the case without unnecessary adjournment.**”*

(Emphasis supplied)

9. Learned Counsel for the Petitioner-husband, who is the Petitioner before the Court below, drawing attention to



the order sheets in MAT Case No.689-19 of 2017-2020, as at Annexure-2 submits, despite such observation made by the Hon'ble Supreme Court, the matter is still pending.

10. It is alleged in the writ petition that because of the conduct of the Opposite Party No.2-wife, even though the conciliation took place in-part on 07.04.2025, thereafter, till date the conciliation could not be concluded because of the non-cooperation of the Opposite Party-wife.

11. Per contra, learned Counsel for the Opposite Party No.2-wife submits that such allegation is incorrect. Rather, because of absence of the Petitioner-husband, conciliation could not be concluded in the aforesaid case. Learned Counsel for the Opposite Party No.2-wife further submits, without conclusion of conciliation, the matter cannot be taken up for hearing.

12. As is revealed from the order sheet in MAT Case No.689-19 of 2017-2020, the last date was 26.06.2025 for further conciliation.

13. Admittedly, the mediation has failed vide mediation report dated 29.11.2025, as detailed above. Hence, this Court is of the view that there is no need of further conciliation, as fixed by the learned Court below in MAT Case No.689-19 of 2017-2020.

14. That apart, it is seen from the record that despite direction of the Supreme Court in TRP(C) No.718 of 2018 for early disposal of C.S. No.688 of 2017, which was renumbered as MAT Case No.689-19 of 2017-2020, the said case is pending for the last six years before the Court below and trial is yet to commence.

15. Hence, learned Judge, Family Court, Bargarh is directed to proceed further in MAT Case No.689-19 of



2017-2020 on merit and try to conclude the said proceeding at the earliest, preferably, within a period of six months from the date of production of the certified copy of this order.

16. With the aforesaid observation/direction, the writ petition stands allowed and disposed of.

17. Urgent certified copy be granted as per rules.

Kanhu

(S. K. MISHRA)
JUDGE

Signature Not Verified

Digitally Signed
Signed by: KANHU BEHERA
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 19-Dec-2025 16:01:18

