



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.33853 of 2025

Sambit Nayak

....

Petitioner

Mr. B. Pasayat, Advocate

-versus-

Parimita Mohanty

....

Opposite Party

None

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

13.03.2026

Order No.

02.

This matter is taken up through hybrid mode.

2. Learned Counsel for the Petitioner is present.

3. Learned Counsel for the Opposite Party is absent on call.

4. Though the present writ petition stood disposed of vide order dated 08.12.2025, the matter has been listed today under the heading "For Orders" based on the Letter No.155 dated 28.02.2026 issued by the learned Judge, Family Court-II, Bhubaneswar, vide which a prayer has been made to grant further two months' time for conclusion of the proceeding in CP No.76 of 2017.

5. Learned Counsel for the Petitioner submits, though the present writ petitioner examined himself as PW-1 way back in the year 2019, after conclusion of evidence from the side of the parties and at the stage of argument, the Opposite Party-wife filed an application to recall PW 1 for further cross-examination, which has been allowed by the learned Court below.



6. Learned Counsel for the Petitioner submits, the C.P. No.76 of 2017 was last posted on 09.03.2026 for further cross-examination of P.W.1 on recall. The Petitioner, who is the P.W.1 before the Court below, is residing in U.K. On 09.03.2026, though the Petitioner appeared before the learned Judge, Family Court-II, Bhubaneswar for his further cross-examination on recall, as the learned Judge, Family Court-II, Bhubaneswar by that time had already been deputed to West Bengal on Official duty, he could not be further cross-examined on recall on the said date and now the C.P. No.76 of 2017 stands posted to 6th April, 2026 for the said purpose.

7. Learned Counsel for the Petitioner further submits, since the Petitioner is residing in U.K. and has come specifically for the said purpose, it would be difficult on his part to stay till 6th April, 2026 to complete his cross-examination on recall. He further submits, as the learned Judge, Family Court-I, Bhubaneswar is in charge of the Court of learned Judge, Family Court-II, Bhubaneswar, liberty be given to the Petitioner to move an application before the Court below for preponing the date in C.P. No.76 of 2017 as per the convenience of the Court as well as the Opposite Party before the Court below to conclude the cross-examination of P.W.1 on recall at the earliest.

8. In view of such submission made by the learned Counsel for the Petitioner, liberty is granted to the Petitioner, who is also the Petitioner in C.P. No.76 of 2017 before the Court below, to move an application to prepone the date in C.P. No.76 of 2017 from 06.04.2026 to any



convenient date, as would be suitable to the Court below, who is the in charge of the Court of learned Judge, Family Court-II, Bhubaneswar, so also Opposite Party/her Counsel.

9. As prayed by the learned Court below, time is extended till end of April, 2026 for disposal of CP No.76 of 2017.

10. It is made clear that, if any application is moved by the Petitioner to prepone the date in CP No.76 of 2017, in view of the fact that the Petitioner (P.W. 1) has come from UK to make himself available at Bhubaneswar for his cross-examination on recall, learned Judge, Family Court-I, Bhubaneswar, who is stated to be in charge of Court of Judge, Family Court-II, Bhubaneswar shall do well to consider the said application, prepone the date to any date convenient to the parties so also the Court itself, with due intimation to the Opposite Party or her Counsel and to conclude the cross-examination of P.W.-1 on recall at the earliest, if so required on day to day basis, without giving unnecessary adjournments.

11. Office is also directed to communicate a copy of this order to the learned Court below for information and necessary action.

12. Urgent certified copy be granted on proper application as per rules.

(S.K. Mishra)
Judge

Signature Not Verified

Digitally Signed
Signed by: MONALISA SWAIN
Reason: Authentication
Location: OHC
Date: 14-Mar-2026 11:33:55

