

02. 31.08.2016

Heard the learned counsels for the petitioner and opposite party who has entered appearance in the Court today filing Vakalatnama.

Perused the petition averments.

The limited grievance of this petitioner is for a direction to the learned Judge, Family Court, Cuttack for consideration of an application filed by the parties under order-23 rule-3 of the Code of Civil Procedure for compromise stating that although this Court had on an earlier occasion in W.P.(C) No. 18843 of 2013, of course in the matter of matrimonial dispute under Hindu Marriage Act had directed for consideration of the compromise petition and its disposal upon appearance of the parties, the court below has yet not passed any order on the said petition.

Learned counsel for the opposite party has no objection in the matter as according to him, the opposite party is also a signatory to the said compromise petition filed in the court below.

Considering the submissions and in the facts and circumstances of this case, the writ application is disposed of with a direction to consider the compromise petition filed by the parties under Annexure 2 and disposed of the same in accordance with law keeping in view the decision of the Division Bench of this Court passed in W.P.(C) No. 18843 of 2013. The parties are accordingly directed to appear in the court below on 07.09.2016 to receive further instruction in the matter.

Urgent certified copy of the order be granted on proper application.

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D. Dash, J.

Narayan