



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.3134 of 2025**

(In the matter of an application Under Articles 226 & 227  
of the Constitution of India)

<b><i>Priyadarshini Amrita Panda</i></b>	<b><i>....</i></b>	<b><i>Petitioner</i></b>
<b><i>-versus-</i></b>		
<b><i>Biswajit Pati</i></b>	<b><i>....</i></b>	<b><i>Opposite Party</i></b>

***For Petitioner : Mr.T.K. Mishra, Advocate***

***For Opposite : Mr. G.M. Rath, Advocate  
Parties***

**CORAM:**

**JUSTICE G. SATAPATHY**

**DATE OF HEARING & JUDGMENT:31.01.2025(ORAL)**

**G. Satapathy, J.**

**1.** This writ petition is directed against the impugned order dated 27.01.2025 passed by the learned Judge, Family Court, Cuttack in IA no.5 of 2025 arising out of CP No. 488 of 2018 directing to take up such application at the time of final adjudication of the case in an application U/S. 24 of the Hindu Marriage Act(In short "the Act").



**2.** In course of hearing, Mr. Tusar Kumar Mishra, learned counsel for the petitioner by reiterating the provision of Section-24 of the Act submits that the litigations expenses as meant under this provision is to provide the party the expenses to maintain the litigation because the spouse is unable to maintain herself, so also unable to gather necessary expenses to support for the proceeding, but the learned trial Court ignoring this principle has considered that such application can be adjudicated at the time of final adjudication which is contrary to the intention of the provision of law as laid down in Sec. 24 of the Act. Mr.Mishra further submits that unless the petitioner gets the litigation expenses, which is the cornerstone of the provision of Section 24 she is unable to maintain the proceeding and thereby, deferring to decide the application U/S. 24 of the Act amounts to miscarriage of justice. Accordingly, Mr. Mishra prays to intervene in the matter.

**2.1.** On the other hand, Mr. Gouri Mohan Rath, leaned counsel appearing for OP submits that the proceeding is continuing since last seven years, but only



to protract the litigation, the wife has filed such an application at a belated stage, especially when the matter was posted for argument and the intention of petitioner is only to protract the litigation and, therefore, the learned trial Court having not refused the application for grant of litigation expenses which can be awarded at the time of disposal of the case, the writ petition challenging the impugned order merits no consideration. Accordingly, Mr. Rath prays to dismiss the writ petition.

**3.** In order to address the rival contention and the spirit of Section 24 of the Act, this court considers it apt to extract the provision of Section 24 which reads as under:-

*"24. Maintenance pendente lite and expenses of proceedings—Where in any proceeding under this Act it appears to the court that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding, it may, on the application of the wife or the husband, order the respondent to pay to the petitioner the expenses of the proceeding, and monthly during the proceeding such sum as, having regard to the petitioner's own income and the income of the respondent, it may seem to the court to be reasonable:*



*[Provided that the application for the payment of the expenses of the proceeding and such monthly sum during the proceeding, shall, as far as possible, be disposed of within sixty days from the date of service of notice on the wife or the husband, as the case may be.]”*

4. A casual look to the aforesaid provision makes it imperative that the objective behind the provision of Section 24 of the Act is for providing sustenance to the spouse for his/her own maintenance and litigation expenses, when the spouse has no independent income sufficient for his/her support and the necessary expenses of the proceeding. In this case, admittedly the proceeding has been instituted in the year 2018 and Mr. Mishra on being asked during the course of argument has admitted that such an application of the petitioner U/S. 24 of the Act was earlier rejected by the trial Court on 17.09.2019 which was never challenged before any other forum since the petitioner is getting regular maintenance out of a DV proceeding. True it is that the learned trial Court has in fact not passed any order for grant of litigation expenses on the fresh application of the petitioner which was filed on 13.01.2025 just after the matter was posted for



argument. The provision of Section 24 of the Act nowhere makes it imperative or mandatory to pass any order on the same day of filing of such petition, but it should be disposed of at the earliest within sixty days from the date of service of notice on the other side, however, in this case when the matter was posted for argument, the petitioner approached the said court for the second time for grant of litigation expenses and that too, when she is already getting maintenance in a DV proceeding, but the intention/objective of Section 24 of the Act is to provide sustenance to the spouse, if she/he is unable to maintain herself during the pendency, so also unable to gather sufficient fund for the litigation expenses. In this circumstance, it appears to the Court that the petitioner is able to maintain herself out of the maintenance amount so granted in DV proceeding as submitted and when she has not applied for grant of litigation expenses for all along about six years after rejection of her such application which was rejected way back on 17.09.2019, but was never challenged, it can be simply said that the learned trial Court has rightly deferred the application for



grant of litigation expenses which is required to be disposed of within sixty days, to be decided at the final adjudication of the matter because the matter has already been posted for argument.

**5.** In the result, the writ petition stands dismissed on contest, but in the circumstance, there is no order as to costs.

It is, however, made clear the learned trial Court shall not further linger the proceeding and dispose of the case as early as possible by hearing the argument, but if parties do not cooperate in arguing in the matter, the Court can pass appropriate order/judgment by going through the pleadings and evidence on record. The learned Trial Court shall not be influenced by any of the observation made in this order which has been passed purely for disposal of the writ application.

**(G. Satapathy)**  
**Judge**

*Orissa High Court, Cuttack,  
Dated the 31<sup>st</sup> January, 2025/Priyajit*

Signature Not Verified

Digitally Signed  
Signed by: SUBHASHMITA DAS  
Designation: Sr. Stenographer  
Reason: Authentication  
Location: High Court of Orissa  
Date: 03-Feb-2025 18:03:54

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