





Domestic Violence Act, 2005 (in short 'the D.V. Act') claiming relief under Sections 18, 19, 20 and 22 of the D.V. Act, 2005.

3. Pursuant to order dated 21.01.2026, the status report dated 28.01.2026 has been received from the learned J.M.F.C., Bhubaneswar where she has given details of the dates and purpose for which the case has been adjourned / posted. She also stated as follows:-

*“2. Both the parties are filing multiple petitions on almost every date of adjournment and are also pressing more for disposal of the petition rather than for conclusion of evidence. Before disposal of one petition, another 2 to 3 petitions get added for consideration and the case gets lingered for disposal of the petitions. Hence filing of such multiple petitions is creating a lot hardship in further proceeding of this case and its speedy disposal.”*

4. From the status report, it is apparent that file was transferred to the Court of the learned J.M.F.C., Bhubaneswar on 02.07.2025, when it was posted for cross-examination of the Opp. Party. Thereafter, except on 10.11.2025 and 13.01.2026 when the learned counsel for the Petitioner remained absent, the case has been adjourned at the instance of the Opp. Party or her learned Counsel.



## SUBMISSION

5. Mr. Bibhu Prasad Mohanty, learned counsel for the Petitioner draws my attention to under Section 12(5) read with Section 28(2) of the D.V. Act and submits that although statutes provides for disposal of application under Section 12(1) within 60 days of the first date of hearing, but the proceeding is pending on account of dilatory tactics of the Opp. Party after getting interim relief.

## STATUTORY PROVISION

6. Sections 12 and 28 of the D.V. Act, 2005 are extracted below:-

*“12. Application to Magistrate (1) An aggrieved person or a Protection Officer of any other on behalf of the aggrieved person may present an application to the Magistrate seeking one or more reliefs under this Act:*

*Provided that before passing any order on such application, the Magistrate shall take into consideration any domestic incident report received by him from the Protection Officer or the service provider.*

*(2) The relief sought for under sub-section (1) may include a relief for to the right of such person to institute a suit for compensation or damages for the issuance of an order for payment of*



*compensation or damages without prejudice injuries caused by the acts of domestic violence committed by the respondent:*

*Provided that where a decree for any amount as compensation or damages has been passed by any court in favour of the aggrieved person, the amount, if any, paid or payable in pursuance of the order made by the Magistrate under this Act shall be set off against the amount payable under such decree and the decree shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), or any other law for the time being in force, be executable for the balance amount, if any, left after such set off.*

*(3) Every application under sub-section (1) shall be in such form and contain such particulars as may be prescribed or as nearly as possible thereto.*

*(4) The Magistrate shall fix the first date of hearing, which shall not ordinarily be beyond three days from the date of receipt of the application by the court.*

*(5) The Magistrate shall endeavour to dispose of every application made under sub-section (1) within a period of sixty days from the date of its first hearing.”*

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**28. Procedure.** (1) *Save as otherwise provided in this Act, all proceedings under sections 12, 18, 19, 20, 21, 22 and 23 and offences under section 31 shall be governed by the provisions of the Code of Criminal Procedure, 1973 (2 of 1974).*  
(2) *Nothing in sub-section (1) shall prevent the court from laying down its own procedure for disposal of an application under section 12 or under sub-section (2) of section 23.”*

## **ANALYSIS AND CONCLUSION**

7. In view of the nature of relief claimed and the order I propose to pass, I am satisfied that notice of this application is not required to be issued to the Opp. Party, before disposing of the application.

8. The D.V. Act has been enacted with the object of providing effective rights of protection to the women guaranteed under Article 15 of the Constitution of India, who are victim of any kind of violence within the family. The provision under Section 12(5) of the Act has been inserted with the intention for expeditious disposal of application filed under Section 12(1) of the D.V. Act.

9. It may not be possible or practical to dispose of the application within 60 days, but endeavour should be made for



expeditious disposal, without depriving any of the parties of effective hearing. If unnecessary or long adjournments are granted, to either party, the case will continue to linger.

**10.** In view of the provision of Section 12(5) of the D.V. Act, the learned J.M.F.C., Bhubaneswar is requested to make endeavour to dispose of CMC No. 40 of 2022 within a period of six months from the date of production of certified copy of this order and for the said purpose unnecessary adjournments shall not be granted to the Parties.

**11.** The CRLMP is disposed of with the aforesaid observations and directions.

**12.** Copy of this order be sent by the Registry to the learned J.M.F.C., Bhubaneswar forthwith.

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**(Savitri Ratho)**  
**Judge**

*Orissa High Court, Cuttack*  
*Dated the 04<sup>th</sup> February, 2026/Sukanta*