

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 151 OF 2022
(@ SLP (C) No(s). 19259/2021

ARJAB JENA@ ARJAB KUMAR JENA

Appellant(s)

VERSUS

UTSA JENA @ PATTNAIK

Respondent(s)

O R D E R

Leave granted.

We have heard the learned counsel for the parties.

We disapprove the observations made in the impugned order which refer to the comments made during the course of the mediation or settlement proceedings. The High Court should not have taken the aforesaid comments on record, as the same would impede conciliation and is contrary to and impinges on the principle of confidentiality. Accordingly, the paragraphs 11 and 12 of the impugned order would be erased from record.

We have also examined the counter-affidavit and the rejoinder affidavit filed and placed on record. As the matter has been remitted to the Family Court, we would request the Family Court to decide the application for joint custody, visitation right etc. in accordance with the law within a period of four months from today. However, for the present, we are inclined to direct that the appellant would be permitted to interact with the child in the presence of the counselor attached to the Family Court, Bhubneshwar, Orissa. The first such meeting would take place on

21.01.2022 at 03.00 PM. The counselor would fix date and time of subsequent meetings as per her/his discretion, keeping in view the request made by the parties. The counselor would be at liberty to submit his/her report before the Family Court in sealed cover. It would be open to the Family Court to decide whether the report, if submitted, should be made available to parties. It will be open to the Family Court to pass interim order/direction as are considered necessary and appropriate.

Recording the aforesaid, the appeal is disposed of.

We clarify that the observations and the directions given in this order and the impugned order would not be construed as findings recorded or expression of opinion on the merits of the facts and contentions of the parties.

Pending application(s), if any, stand disposed of.

. J.
(SANJIV KHANNA)

. J.
(BELA M. TRIVEDI)

NEW DELHI;
JANUARY 05, 2022

ITEM NO.32 Court 15 (Video Conferencing) SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 19259/2021

(Arising out of impugned final judgment and order dated 20-04-2021 in WP(C) No. 29015/2020 passed by the High Court Of Orissa At Cuttack)

ARJAB JENA@ ARJAB KUMAR JENA Petitioner(s)

VERSUS

UTSA JENA @ PATTNAIK Respondent(s)

Date : 05-01-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. Jay Savla, Sr. Adv
 Ms. Renuka Sahu, AOR

For Respondent(s) Mr. Rajshekhar Rao, Sr. Adv.
 Ms. Bhabna Das, AOR
 Mr. Arunav Patnaik, Adv.
 Ms. Aanchal Tikmani, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending application(s), if any, stand disposed of.

(BABITA PANDEY)
COURT MASTER (SH)

(DIPTI KHURANA)
COURT MASTER (NSH)

(Signed order is placed on the file)