

IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No. 4 of 2018

Bamadev Mishra **Appellant**

Mr. Yeeshan Mohanty, Sr. Advocate along with Mr.
S.K. Biswal, Advocate

-versus-

Sudesna Soumyadarshinee **Respondents**
Mishra & another

Mr. B.K. Routray, Advocate

MATA NO.160 OF 2017

Sudesna Soumyadarshinee **Appellant**
Mishra

Mr. B.K. Routray, Advocate

-versus-

Bamadev Mishra **Respondent**

Mr. Yeeshan Mohanty, Sr. Advocate along
with Mr. S.K. Biswal, Advocate

CORAM:
JUSTICE S. TALAPATRA
JUSTICE M. S. SAHOO

ORDER

25.08.2022

Order No.

- 10.** **1.** This matter is taken up through hybrid mode.
- 2.** These two appeals as aforementioned are combined for disposal by a common order.
- 3.** MATA No.4 of 2018 has been filed by the appellant, Bamadev Mishra challenging the judgment dated 10.10.2017 delivered in C.P. No.256 of 2015 [as renumbered in the Family Court, Berhampur] by the Judge, Family Court, Berhampur, Ganjam. The said judgment dated 10.10.2017 is a common judgment as the judgment also covers the decision in C.P. No.254 of

2013 instituted by the Respondent in the appeal being MATA No.4 of 2018.

4. The appellant in MATA No.4 of 2018 filed the matrimonial suit for dissolution of marriage by a decree of divorce on the ground of cruelty, whereas the respondent filed the matrimonial suit U/s.18(1) of the Hindu Adoptions and Maintenance Act, 1956 seeking monthly maintenance a Hindu wife from the appellant. By the said judgment, the marriage subsisting was dissolved between the parties along with direction on the appellant-husband to pay monthly maintenance to the extent of Rs.20,000/- from the date of the order i.e. 10.10.2017. The appellant in MATA No.4 of 2018 has challenged the said quantum of maintenance, whereas the appellant in MATA No.160 of 2017 (the respondent in MATA No.4 of 2018) has challenged the said judgment for enhancement of the said quantum of maintenance, has considered as inadequate.

5. During pendency, an affidavit has been filed by Smt. Sudesna Soumyadarshinee Mishra, the respondent in MATA No.4 of 2018 (the appellant in MATA No.160 of 2017) stating clearly that she has married, after the decree of divorce was issued, one Shri Avishek Satpathy in accordance with Hindu rites and customs and the said marriage was registered on 13.07.2022. A copy of the Certificate of Hindu Marriage has also been enclosed with the said affidavit. In para-12 of the said affidavit, the deponent (the respondent in MATA No.4 of

2018 and the appellant in MATA No.160 of 2017) has further stated that she does not like to claim any alimony or to receive any maintenance from the appellant in MATA No.4 of 2018 and the respondent in MATA No.160 of 2017. It has been admitted by Mr. b.K. Routray, learned counsel for the appellant in MATA No.160 of 2017 and the respondent in MATA No.4 of 2018 that on account of arrear maintenance, the appellant-husband in MATA No.4 of 2018 (the respondent in MATA No.160 of 2017) has paid a sum of Rs.10,20,000/- (Rupees Ten Lacs Twenty Thousand) the said amount fell due till February, 2022. Hence, there is no arrear of maintenance, as the appellant in MATA No.160 of 2017 and the respondent no.1 in MATA No.4 of 2018 has disentitled her to receive any maintenance from the appellant in MATA No.4 of 2018 and the respondent in MATA No.160 of 2017 for contracting the marriage.

6. In view of this, these appeals are disposed of clearly observing that the issue relating to reduction or enhancement of the maintenance, no more survives for adjudication. The appellant in MATA No.4 of 2018 has not insisted for re-quantification of the maintenance allowance.

7. In terms of the above, the decree may be drawn accordingly. LCRs, if received, be sent down.

8. Mr. Yeeshan Mohanty, learned Senior Counsel along with Mr. S.K. Biswal, learned counsel has appeared for the appellant in MATA No.4 of 2018 and the respondent in MATA No.160 of 2017.

**(S. Talapatra)
Judge**

**(M.S. Sahoo)
Judge**

