

IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No.25 of 2020

Smt. Joshnarani Barad

.....

Appellant

Mr. A.P. Bose, Advocate

-versus-

Chandra Sekhar Barad

.....

Respondent

Mr. P.K. Nayak, Advocate

CORAM:

JUSTICE S. TALAPATRA

JUSTICE M.S. SAHOO

ORDER

19.07.2022

Order No.

09.

1. This matter is taken up through hybrid mode.
2. By means of this appeal filed under Section 19 (1) of the Family Courts Act, 1984, the judgment and order dated 18.11.2019 delivered in C.P. No.329 of 2014 by the Judge, Family Court, Rourkela has been challenged.
3. The Respondent instituted the matrimonial suit being Civil Proceeding No.329 of 2014 in the Court of the Judge, Family Court, Rourkela, District-Sundargarh seeking dissolution of marriage which was solemnized on 02.02.2006 on the ground of cruelty and desertion. The matrimonial suit of the Respondent (the husband) has been decreed by dissolving the marriage.

4. It has been observed in the said judgment dated 18.11.2019 that despite initiatives taken by the Respondent (the Petitioner of C.P. No.329 of 2014), the Appellant (the Respondent in C.P. No.329 of 2014) did not reconstruct the marital life. The Respondent in the said proceeding, levelled serious allegations of torture against the Appellant.

5. Having gone through the records, we were hopeful that the dispute between the Appellant and the Respondent could be reconciled. In that view of the matter, we extensively interacted with the Appellant and the Respondent and at one point of time, they agreed to reconstruct their marriage and live together with their only child. In the course of the day itself, the Appellant and the Respondent filed the joint affidavit in this Court by stating *inter alia* that they have agreed to reconstitute their conjugal life.

6. The Appellant has agreed to live with her husband (the Respondent) in her in-laws' house along with their only daughter. They have decided to not proceed with the other litigations.

7. The said affidavit dated 19.07.2022 is taken on records. Having examined the conditions of settlement, we do not find any impediment in accepting the said settlement. Thus, this appeal stands dismissed on compromise. As the parties have decided to reconstitute their marital life, the impugned judgment and decree dated 18.11.2019 delivered in C.P. No.329 of 2014 by the Judge Family Court, Rourkela,

District: Sundargarh are set aside. All effects of the decree of divorce are annulled. As such, the marriage between the parties be deemed to have subsisted without any interruption.

8. Draw the decree accordingly.
9. Sent down LCRs forthwith.
10. Urgent certified copy of this order be granted as per rules.

(S. Talapatra)
Judge

(M.S. Sahoo)
Judge

