

IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No. 105 of 2017

Sagarika Dash **Appellant**

Mr. Susanta Ku. Tripathy, Advocate

-versus-

Sudarshan Dikshit **Respondent**

Mr. Amitav Das, Advocate

MATA NO.104 OF 2017

Sudarshan Dikshit **Appellant**

Mr. Amitav Das, Advocate

-versus-

Sagarika Dash **Respondent**

Mr. Susanta Ku. Tripathy, Advocate

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

ORDER
05.09.2022

Order No.

- 10.** **1.** This matter is taken up through hybrid mode.
- 2.** Heard Mr. S.K. Tripathy, learned counsel appearing for the appellant in MATA No.105 of 2017 and the respondent in MATA No.104 of 2017 as well as Mr. Amitav Das, learned counsel appearing for the respondent in MATA No.105 of 2017 and the appellant in MATA No.104 of 2017.
- 3.** Both these appeals are combined for disposal by a common order as these appeals emerge from the judgment and decree dated 11.07.2017 delivered in C.P. No.348 of 2016 by the Judge, Family Court, Nayagarh.

4. The respondent in MATA No.105 of 2017 and the appellant in MATA No.104 of 2017 had instituted the matrimonial suit seeking divorce which has been granted by the Judge, Family Court by the above judgment, but without any alimony in favour of the appellant in MATA No.105 of 2017. However, the Judge, Family Court has directed to pay a sum of Rs.1 lakh, which was received from the wife-appellant at the time of marriage. In MATA No.105 of 2017, the appellant has challenged the non-grant of the alimony in terms of Section 25(1) of the Hindu Marriage Act, 1955. In the other appeal being MATA No.104 of 2017, the appellant(husband) has challenged the direction to pay a sum of Rs.1 lakh, which has been shown as the cash received by the appellant (husband) as dowry. The husband has denied to have taken any such amount from the wife and that is the basis of challenging the judgment dated 11.07.2017.

5. We have interacted with the counsel for the parties. On the last occasion, the counsel for the respondent in MATA No.105 of 2017 sought accommodation, to take instruction as regards to the alimony. Today, Mr. Das, learned counsel has candidly submitted that the husband-respondent has instructed him that he is ready to pay alimony to the extent of Rs. 4 lakhs but he will not pay the said amount of Rs. 1 lakh to the appellant (wife).

6. Mr. Tripathy, learned counsel appearing for the appellant (wife) has submitted that the said amount is not acceptable inasmuch as the present respondent (husband) is earning about Rs. 36,000/- per month as a Transport Manager in the Delhi Public School, Bhubaneswar. In a quick response to the said statement, learned counsel appearing for the respondent (husband) has submitted that the wife is also working as a Teacher in Saraswati Sishu Vidya Mandir. However, Mr. Tripathy, learned counsel for the appellant-wife has refuted by saying that she has left the job, as no salary was being paid during *Pandemic*.

7. Having taken into considerations, the rival contentions and the resources of the husband, as revealed from the interaction, and the need of the appellant (wife), we direct the respondent (husband) to pay total sum of Rs. 6,00,000/- (Rupees Six Lakhs) to the appellant (wife) within a period of two months from today.

8. We also clarify that we do not find any evidence regarding payment of dowry as directed to be paid. As such, we set aside the said direction of payment. Again, we make it abundantly clear that the total amount that will be paid by the respondent (husband) is Rs.6 (six) lakhs.

9. We are happy to note that the counsel for the parties, on due instruction, have agreed that all

pending litigations between the parties will be withdrawn or will not be pressed further to bring quietus to the matrimonial controversy. Consequently, both the appeals stand allowed.

10. In terms of the above, the decree shall be drawn. LCRs, if received, be sent down after preparation of decree.

11. Urgent certified copy be granted as per rules.

