

IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No. 47 of 2019

Rashmita Sahoo

.....

Appellant

Mr. B. Mansingh, Advocate

-versus-

Deba Narayan Sahoo

.....

Respondent

Mr. A.R. Mohanty, Advocate

CORAM:

JUSTICE S. TALAPATRA

JUSTICE SAVITRI RATHO

ORDER

16.11.2022

Order No.

16.

1. This matter is taken up through hybrid mode.
2. Heard Mr. B. Mansingh, learned counsel appearing for the Appellant and also heard Mr. A.R. Mohanty, learned counsel appearing for the Respondent.
3. This appeal under Section 19(1) of the Family Courts Act, 1984 has questioned the judgment dated 17.12.2018 delivered in C.P. No.10 of 2014 by the Judge, Family Court, Bhubaneswar. By the said judgment dated 17.12.2018, the matrimonial suit filed by the Respondent herein seeking dissolution of the marriage by decree of divorce on the ground of cruelty and desertion has been decreed. At the time of the passing of the judgment, the Judge, Family Court, Bhubaneswar has directed the Respondent herein to pay a sum of Rs.5,00,000/- (Rupees five lakhs) as the permanent alimony by demand draft, drawn in favour of the Appellant. There is no dispute that the Respondent has deposited the said demand draft, but the Appellant did not receive it. Even the Appellant

was not apprised that such draft had been deposited in the Family Court, Bhubaneswar. The Appellant has challenged the decree as aforesaid and sought reversal of the decree of divorce. But, by efflux of time, the Appellant has realized that there is no future in this marriage. The Appellant has appeared today in person and stated that, she would not pursue the ground of reversal of the decree of divorce, if a reasonable amount of permanent alimony is settled in her favour.

4. After a protracted interaction in the Court itself, the Respondent-husband has agreed to pay a sum of Rs.22,00,000/- (Rupees twenty-two lakhs) by repudiating any further claims. The Appellant has agreed to the said sum of Rs.22,00,000/- (Rupees twenty-two lakhs) as the permanent alimony, inclusive of all other demands. Hence, this appeal so far as the decree of divorce is concerned is dismissed. However, we grant the alternative relief of permanent alimony to the extent of Rs.22,00,000/- (Rupees twenty-two lakhs), payable within three months from today, in the form of the demand draft in favour of the Appellant. At this point, the Respondent, who has also appeared in person before us has stated that, the demand draft that was deposited in the Family Court, Bhubaneswar has become stale for expiry of the period of its life. In view of this, the Judge, Family Court, Bhubaneswar is directed to return the original demand draft to the Respondent, namely, Deba Narayana Sahoo, on production of copy of this order so that the said draft can also be revalidated.

5. The appeal is partly allowed.
6. The Registry is directed to draw the decree accordingly.
7. If LCRs have been received, those be returned forthwith.
8. Urgent certified copy of this order be granted as per rules.

