

IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No.103 of 2019

Shreemati Tanti

.....

Appellant

Mr. P.S. Das, Adv.

-Versus-

Shibalal Tanti

.....

Respondent

Mr. A. Mishra, Adv.

CORAM:

JUSTICE S. TALAPATRA

JUSTICE M.S. SAHOO

ORDER

10.08.2022

Order No.

04.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Mr. P.S. Das, learned counsel appearing for the appellant has submitted that since the appeal is apparently barred under the Provisions of Section 13 B (2) of the Hindu Marriage Act, 1955, he would not proceed further, but would withdraw this appeal.
3. Be that as it may that the appeal is barred by limitation. The appropriate order would be passed by us in I.A. No.158 of 2019 which has been filed by the appellant for condoning the delay.

(S. Talapatra)

Judge

(M.S. Sahoo)

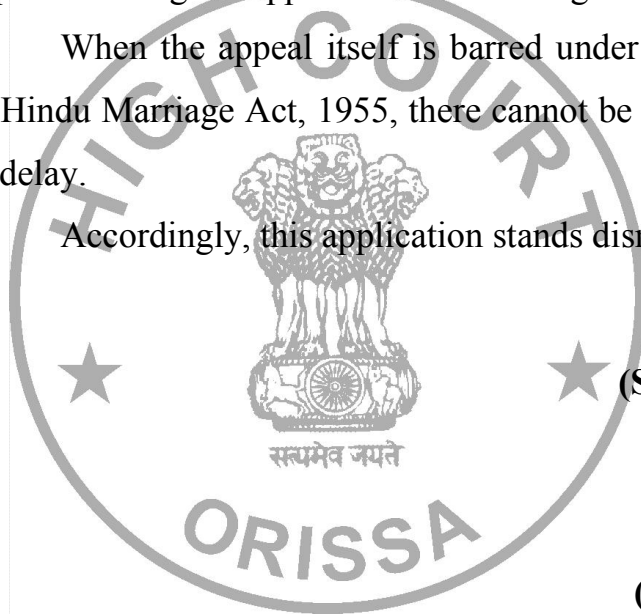
Judge

P.T.O.

I.A. No.158 of 2019**Order No.**

05.

1. This application has been filed by the appellant for condoning the delay for 297 days in preferring the appeal against the Judgment and order dated 08.08.2018 delivered by the Judge, Family Court, Keonjhar in Civil Proceeding No.5 of 2018, a proceeding instituted by the parties under Section 13 B of the Hindu Marriage Act, 1955.
2. There is no allegation that the decree has been passed, contrary to the conditions as settled between the parties.
3. Mr. P.S. Das, learned counsel has fairly submitted that the purpose of filing the appeal is for enhancing the alimony.
4. When the appeal itself is barred under Section 13 (B) (2) of the Hindu Marriage Act, 1955, there cannot be any reason to condone the delay.
5. Accordingly, this application stands dismissed.



(S. Talapatra)
Judge

(M.S. Sahoo)
Judge

MATA No.103 of 2019**Order No.**

06.

1. As consequence of the order passed today in I.A. No.158 of 2019, this appeal stands dismissed. However, the dismissal will not create a bar against the appellant to approach any other forum, if provided by law.

2. Mr. A. Mishra, learned counsel appears for the respondent.

(S. Talapatra)
Judge

(M.S. Sahoo)
Judge

Rati Ranjan





