

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**TRP(C) No.188 of 2022**

**Sudhashree Rath** ..... **Petitioner**

***-versus-***

**Bikash Ranjan Panda** ..... **Opposite Party**

**TRP(C) No.289 of 2022**

**Bikash Ranjan Panda** ..... **Petitioner**

***-versus-***

**Sudhashree Rath** ..... **Opposite Party**

**CORAM:  
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER  
16.12.2022**

**Order No**

- 07.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Memo filed by the learned counsel for both the Parties with the enclosed list of articles be kept on record.
3. While TRP(C) No. 188 of 2022 has been filed by the wife-Petitioner seeking transfer of C.P No. 313 of 2021 from the file of learned Judge, Family Court, Kendrapara to the Court of learned Judge, Family Court, Puri, TRP(C) No. 289 of 2022 has been filed by the husband-Petitioner seeking transfer of C.P. No. 114 of 2022 from the Court of learned Judge, Family Court, Puri to the Court of learned Judge, Family Court Cuttack. Since Parties are same in both the transfer petitions and common issue is involved, both the matters were heard analogously and disposed of by the present common order.

4. Both the Civil Proceedings in C.P. Nos. 313 of 2021 and 114 of 2022 have been filed by the husband and the wife under Sec. 13 of the Hindu Marriage Act seeking decree of divorce. Taking into account the fact that both the Parties have filed the proceedings seeking decree of divorce, this Court in order to have an amicable settlement of the matter, vide order dtd.16.09.2022, referred the same for conciliation between the Parties in the Mediation Centre run by this Court. But when the mediation became unsuccessful with submission of the report on 18.11.2022, learned counsel for the Parties while appearing before this Court on 09.12.2022 expressed their willingness for a mutual settlement.

5. Learned counsel for the wife-Petitioner in TRP(C) No. 188 of 2022 also contended that the wife will not claim any permanent alimony if the husband will return all the gold ornaments that were given at the time of marriage and other articles which were given at the time of marriage. In order to have an amicable settlement of the dispute and with regard to return of the gold ornaments and the articles, this Court on the consent of the learned counsels, vide order dtd.09.12.2022 directed for appearance of both the Parties along with their counsels on 16.12.2022 for an amicable settlement of the dispute.

6. In terms of the order passed on 09.12.2022 learned counsels along with the Parties in Person in both the cases appeared before this Court in Chamber.

7. Mr. H.N. Mohapatra, learned counsel for the Petitioner/wife in TRP(C) No. 188 of 2022 produced before this Court the list of gold ornaments that were given at the time of marriage along with the list of other articles that were also given to the husband at the time of such marriage by way of a memo.

**8.** Though learned counsel for the Petitioner in TRP(C) No. 289 of 2022 as well as the Petitioner/husband who was present in Person, did not dispute the list furnished by the wife, but it is submitted that after their marriage, when both the Parties resided jointly at Bengaluru, the husband purchased some household articles and if the wife who is in possession of those articles, will agree to return the same, then the husband will also return all the gold ornaments as well as the articles mentioned in the list furnished by the wife.

**9.** This Court after hearing the Parties in Person when opined that the husband will return the gold ornaments mentioned in the list from item Nos. 1 to 15 and the articles like Television etc. mentioned from Item Nos. 1 to 15 of another enclosed list along with a sum of Rs. 75,000/- (Rupees seventy five thousand) in cash towards the items mentioned in the list from Sl. Nos. 1 to 37 and Sl. Nos. 1 to 36 respectively, the husband as well as the learned counsel appearing for the husband in both the cases agreed to the same.

**10.** The Petitioner-wife in TRP(C) No. 188 of 2022 also agreed to return the items mentioned from Sl. Nos. 1 to 4 of the sub-item from out of Sl. No.1 to 7 furnished by the husband in Court today. The wife also agreed to return the diamond ring presented to her by the husband at the time of ring ceremony.

**11.** It is agreed in between the Parties that both the Parties will file a Petition for mutual divorce as provided under Sec. 13-B of the Hindu Marriage Act before the learned Family Judge, Puri in C.P. No. 313 of 2021. Such a petition for mutual divorce will be filed before the learned Family Judge, Puri on 12.01.2023. But prior to filing of such Petition on 12.01.2023, the wife will return the articles available at Bengaluru to the husband through his brother

namely Asutosh Rath on 08.01.2023. The husband will give an acknowledgement to the brother of the wife towards receipt of the such articles mentioned at Item Nos. 1 to 4 of the list, which are indicated below:

1. Khata-1ta
2. Mattress, pillow, bedsheet
3. Dining Table
4. Washing Machine

**12.** It is also agreed that prior to filing of the petition under Sec. 13-B of the Hindu Marriage Act on 12.01.2023 as agreed between the Parties, the husband will hand over the gold ornaments mentioned from Item Nos. 1 to 15 as well as Items like Television etc. from Sl. No. 1 to 15 of the list. The husband will also pay a sum of Rs. 75,000/- (Rupees Seventh five thousand) in cash to the wife towards the items mentioned from Sl. Nos. 1 to 37 as well as Sl. Nos. 1 to 36 of the list prior to filing of such Petition. The acknowledgement showing the receipt of the articles as well as the gold ornaments and cash by the wife and the articles by the husband will be produced before the learned Family Judge, Puri along with the Petition for mutual divorce on 12.01.2023.

**13.** Since both the Parties have agreed for a mutual decree of divorce with filing of a Petition under Sec. 13-B of the Hindu Marriage Act on 12.01.2023, it is directed that the learned Family Judge, Puri on receipt of the such Petition on 12.01.2023 along with the acknowledgements as directed hereinabove, will proceed with the matter and pass a decree of mutual divorce within a period of 15 days from the date of filing of such Petition. It is also agreed in between the Parties that after filing of the Petition for mutual decree of divorce on 12.01.2023, the wife will also take appropriate steps

to close the proceeding in G.R. Case No. 3011 of 2022 pending before the learned SDJM, Puri by giving her evidence to the effect that the matter has been compromised and the wife does not want to press the matter against the husband in the said case. Save and except the return of the gold ornaments and the articles along with cash of Rs.75,000/- in lieu of the articles, the wife will not raise any further claim of any nature while filing the Petition for mutual divorce.

**14.** However, it is observed that if any of the Parties did not take step as agreed before this Court, then as prayed for in TRP(C) No. 188 of 2022, the proceeding in C.P. No. 313 of 2021 will be transferred from the Court of learned Judge, Family Court Kendrapara to the Court of learned Judge, Family Court, Puri and learned Family Judge, Puri will proceed in both C.P. No. 313 of 2021 as well as C.P. No. 114 of 2022 in accordance with law.

**15.** Both the transfer petitions are disposed of with the aforesaid observation and direction.

**(Biraja Prasanna Satapathy)**  
**Judge**

*Sneha*