

IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No. 61 of 2021

Smt. Soumyashree Kar

.....

Appellant

Mr. P.K. Panda, Advocate

-versus-

Sri Sujit Kumar Mishra

.....

Respondent

Mr. S.K. Mishra, Advocate

CORAM:

JUSTICE S. TALAPATRA

JUSTICE SAVITRI RATHO

ORDER

01.11.2022

Order No.

07.

1. This matter is taken up through hybrid mode.
2. Heard Mr. P.K. Panda, learned counsel appearing for the Appellant (the wife) and Mr. S.K. Mishra, learned counsel appearing for the Respondent (the husband).
3. The Appellant (the wife) has filed this appeal against the ex parte judgment dated 13.03.2020 delivered in Misc. Civil Appl (GUA) No.30 of 2018 by the Judge, Family Court, Keonjhar. By the said judgment, the Judge, Family Court, Keonjhar has directed that the custody of their daughter, Sucheta Mishra will remain with the Respondent herein. It has been directed further that the custody of their daughter be handed over to the Respondent by the Appellant herein within three months from the date of the order i.e. 13.03.2020, failing which it has been directed the Respondent will be at liberty to take recourse of law for execution of the order of this Court.

4. It is the fact which has not been disputed by either of the parties that, after that order, neither the custody has been restored to the Respondent nor the wife has filed this appeal for challenging the said order. On the earlier occasion, we find, if there is a simple line of which may turn into the conciliated settlement and accordingly, we had passed the order dated 26.10.2022 asking the counsel for the parties to take the instruction from their respective clients whether the parties are inclined to reconcile the matrimonial dispute or not. The instruction has been taken and both Mr. Panda and Mr. Mishra, learned counsel have submitted that the parties are ready to reconcile their marital discord and they would live together.

5. In view of the above consensus, which has been arrived at on mutual understanding, we dispose of this appeal with the following direction.

The Respondent shall take a suitable accommodation on rent nearby the School of the daughter till the period when her final examination which is tentatively scheduled in the March, 2023 is over. The Appellant shall join immediately with the daughter after the Respondent will give the information to the Appellant. Mr. Mishra, learned counsel has stated to this Court that such accommodation shall be arranged within 15 days from today. The Appellant shall join there and they would stay together because, we do not find any reasons for apprehension. After the examination is over, the parties

shall find out further suitable accommodation or continue to with that accommodation. We further direct that all the pending litigations either may be withdrawn or the respective parties shall take steps for their closure. Accordingly, this appeal stands disposed of.

6. Decree be passed accordingly.

7. Urgent certified copy of this order be granted as per rules.

(S. Talapatra)
Judge

(Savitri Ratho)
Judge

Murmu

