

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No.140 of 2022

Saswati Lopamudra

.....

Petitioner

Mr. Bijaya Kumar Behera, Advocate

-Versus-

State of Odisha & others

.....

Opp. Parties

Ms. Saswata Patnaik

Addl. Government Advocate

(For O.Ps. No.1 to 4)

Mr. Alok Mohapatra, Advocate

(For O.P. No.5)

Mr. Saurav Das, Advocate

(For O.P. No.6)

CORAM:

JUSTICE S. TALAPATRA

JUSTICE SAVITRI RATHO

ORDER

20.12.2022

Order No.

03.

1. This matter is taken up through Hybrid Mode.
2. In terms of our order dated 30.11.2022, the petitioner and the opposite party No.5 have appeared in person with their minor daughter, who is in the centre of the controversy.
3. The petitioner and the opposite party No.5 are the spouses. Their matrimonial relation had faced tremors of misunderstanding, resulting in filing of NALCO Township P.S. Case No.214 of 2022.

The petitioner had also approached the Child Welfare Committee, Angul for getting back the custody of the minor daughter, namely Amaira Das, aged about 3 years. As nothing did happen as expected by her, the petitioner has approached this Court by filing this writ petition for issuance of a writ of Habeas Corpus for restoring the custody of the minor daughter, as the minor daughter is admittedly in the custody of the opposite party No.5, which according to the petitioner illegal. With the cooperation of Mr. B.K. Behera, learned counsel appearing for the petitioner, Mr. Alok Mohapatra, learned counsel appearing for the opposite party No.5, Mr. Saurav Das, learned counsel appearing for the opposite party No.6 and Ms. Saswata Patnaik, learned Addl. Government Advocate appearing for the opposite parties No.1 to 4 and a protracted interaction, the petitioner and the opposite party No.5 have realized their mistakes and decided to live together by restituting their conjugal life at Bengaluru, where the opposite party No.5 is working presently. The petitioner is not working at present.

4. The parties had candidly expressed their apprehensions.

5. We find those apprehensions are the results of living separately. Their passion for each other is alive.

6. Both the parties have stated that they want to live their life happily by bringing up their minor daughter together and by providing her the best education and other facilities.

7. In view of the above development, we direct the petitioner to join the opposite party No.5 and her minor daughter forthwith without any delay and she should live with the opposite party No.5 at his place of work.

8. The opposite party No.5 is directed to behave sensibly and to take every care of the petitioner so that emotional distress the petitioner had gone through are healed quickly.

9. The mutual respect and trust is the foundation of happy marital life.

10. We hope that the parties will restore the bliss of their life without bringing avoidable tension into its fabric.

11. For that purpose, we direct the parties to bring an end to all litigations pending against each other in different fora or the Court.

12. We place our appreciation for Mr. B.K. Behera, learned counsel and Mr. Alok Mohapatra, learned counsel for their role in bridging the gap between the parties. We also place our appreciation for Ms. Saswata Patnaik, learned Addl. Government Advocate and

Mr. Saurav Das, learned counsel appearing for the opposite party
No.6.

13. In terms of the above, this petition stands disposed of.

(S. Talapatra)
Judge

(Savitri Ratho)
Judge

Subhasis





