IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No.40 of 2018

CNR No. ODHC010010642018

Sandhya Rani Prusti …. ***Appellant***

Mr. Prasanta Kumar Sahoo, Advocate

-Versus-

Amitav Kumar Saraf …. ***Respondent***

Mr. Upendra Kumar Samal, Advocate

CORAM:
HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI
AND
HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER

Order No. **06.11.2026**

08. **MATA No.40 of 2018 & I.A. No.718 of 2025**

1. This matter is taken up through hybrid arrangement.

2. The appellant-wife as respondent filed C.P. Case No.49 of 2014 before the Court of learned Judge, Family Court, Sambalpur under Section 9 of the Hindu Marriage Act, 1955 against the respondent-wife seeking restitution of conjugal rights to join the respondent in his company leaving her job or in the alternative; their marriage should be dissolved by a decree of divorce.

3. The respondent-husband as petitioner earlier filed an application under Section 9 of the Hindu Marriage Act,

1955 before the Court of learned Judge, Family Court, Sambalpur being C.P. Case No.49 of 2014 praying for restitution of conjugal rights to join the respondent-wife (appellant herein) in his company leaving her job or in the alternative; their marriage should be dissolved by a decree of divorce.

4. By the impugned judgment dated 16.02.2018, learned Judge, Family Court, Sambalpur allowed the said C.P. Case No.49 of 2014 preferred by the respondent-husband and dissolved their marriage solemnized on 22.01.2006.

5. Aggrieved by the said judgment dated 16.02.2018, the appellant-wife preferred this appeal under Section 19 of the Family Courts Act, 1984.

6. An I.A. No.718 of 2025 has come to be filed by both the parties with the following prayer(s):

> *"It is therefore humbly prayed that this Hon'ble Court may be graciously pleased to pass an order to set aside the Judgement & order dtd 16.02.2018 passed by the Learned Judge, Family Court, Sambalpur and be further pleased to allow this petition as the dispute has already been settled between the parties which would meet the interest of justice;*
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> *And for this act of your Lordships kindness the both parties as in duty bound shall ever pray."*

7. The relevant portion of the I.A. filed by both the parties is quoted hereunder:

> *"3. That, while the matter stood thus keeping in view the interest & welfare of the minor male child namely Anshuman Kumar Saraf who was born on 09.02.2008 out of wedlock of the parties, the parties to the appeal have compromised their dispute out of the Court on the intervention of well-wishers of both the parties and therefore, the parties have felt that adjudication of the case on merit will not serve any purpose and also prolong of the proceeding will cause mental trauma as well as financial hardship and loss of time of the Hon'ble Court and therefore, the compromise arrived between the parties is bona fide and thus both parties having abandoned their differences and dissention have started living under consortium under one roof since 2021. In view of the above settlement both parties have started visiting to each other's place of staying and have consumed their marital life peacefully till date. Their only son Anshuman is also feeling happy on his parents who are expressing abundant love & affection for the said child who is now prosecuting his studies being blessed by the parties.*
>
> *4. That, since the parties to the case have amicably settled the dispute for all times to come, they jointly and unequivocally pray to set aside the judgement and order dtd. 16.02.2018 passed by the learned Judge, Family Court, Sambalpur in Civil Proceeding No.49/2014 and/or, pass any other direction or order as deemed fit and proper."*

8. All is well that ends well. Considering the facts stated in the I.A. and on the conceded position expressed by the counsel for the respective parties that both the parties have amicably settled the dispute between them and they are staying together for last five years, this Court sets aside the impugned judgment and order dated 16.02.2018 passed by the learned Judge, Family Court, Sambalpur in C.P. Case No.49 of 2014.

9. With the aforesaid direction, the Matrimonial Appeal along with pending Interlocutory Application(s), if any, is disposed of. Interim order(s), if any, passed shall stand vacated.

(Dr. Sanjeeb K Panigrahi)
Judge

(Murahari Sri Raman)
Judge

Rabi

Signature Not Verified
Digitally Signed
Signed by: RABINDRA KUMAR MISHRA
Designation: Personal Assistant
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 10-Nov-2026 19:39:27