ORISSA HIGH COURT : CUTTACK

R.S.A. No.466 of 2007

(In the matter of an appeal under Section 100 of the Code of Civil Procedure, 1908)

Sri Harish Chandra Behra **…** ***Appellant***

-*VERSUS*-

Smt. Arati Bebartta **…** **Respondent**

Counsel appeared for the parties:

For the Appellant : Mr. S.N. Sahoo, Advocate assisted by Mr. P.R. Bhuyan, Advocate.

For the Respondent : Mr. D. Chatterjee, Advocate assisted by Mr. A.K. Mishra-2, Advocate

P R E S E N T:

HONOURABLE
MR. JUSTICE ANANDA CHANDRA BEHERA

JUDGMENT
Date of hearing : 10.04.2026 / date of judgment : 10.04.2026

A.C. Behera, J. The learned counsels for the appellant, i.e., Mr. S.N. Sahoo, Mr. P.R. Bhuyan and the learned counsels for the respondent, i.e.,

Mr. A.K. Mishra-2 and Mr. D. Chatterjee and the appellant(Harish Chandra Behera) and the respondent(Arati Bebartta) are present in person in the Chamber.

2. Heard from the learned counsels of both the sides and from the appellant Harish Chandra Behera and the respondent Smt. Arati Bebartta in person.

3. This 2nd appeal was preferred by the appellant-husband praying for setting aside the judgment and decree relating to the payment of maintenance to the respondent-wife passed by the learned District Judge, Mayurbhanj at Baripada in RFA No.03 of 2006.

4. As this 2nd appeal is the outcome of a matrimonial dispute between the husband and wife(appellant and respondent), for which, it is felt proper, to decide and dispose of this appeal between the parties(husband and wife) through conciliation in presence of their respective learned counsels taking the matter for conciliation in the Court Chamber.

5. During the course of conciliation of the matrimonial dispute between the parties(husband and wife), it was unanimously resolved by the parties(husband and wife) in presence of their learned

counsels to dispose of this 2nd appeal between them(husband and wife) on the basis of the following:-

TERMS AND CONDITIONS

(i) Since the month of April, 2026, the appellant/husband, i.e., Harish Chandra Behera shall pay Rs.15,000/-(rupees fifteen thousand) towards monthly maintenance of his wife, i.e., Arati Bebartta(respondent) within 10th of each month hence including the maintenance amount for this month without any default with proper acknowledgement receipt from the wife(respondent) regarding such payment;

(ii) In case of any default in payment of the aforesaid monthly maintenance amount by the husband/appellant, i.e., Harish Chandra Behera, the respondent/wife, i.e., Arati Bebartta is entitled to approach this Court in this 2nd appeal to execute this order of maintenance passed against her husband, i.e., the appellant(Harish Chandra Behera), as the maintenance proceedings like this proceeding/appeal between the parties is permanent in nature;

(iii) Both the parties, i.e., husband and wife(appellant and respondent) shall not humiliate, abuse, oppress or torture in any manner to each other for any reason and in case of any misconduct by any of the parties against other, the victim party shall inform the police and the police shall entertain such matter as per law on the basis of the allegation; and

(iv) The respondent(wife), i.e., Arati Bebartta shall be allowed to continue to stay by the appellant/husband, i.e., Harish Chandra Behera in the 2nd Floor of the building of the

appellant/husband situated on Plot No.195/208(P), Khandagiri Vihar, Mangala Mandir, Kolathia in Mouza-Aiginia, Khorda under Bharatpur Police Station in the district of Khorda and the appellant/husband, i.e., Harish Chandra Behera shall not disturb in any manner in the staying of the respondent/wife, i.e., Arati Bebartta in such 2nd Floor.

6. On the basis of the aforesaid terms and conditions, this 2nd appeal is required to be disposed of forming the terms and conditions as a part of the decree in this 2nd appeal.

7. On the basis of compromise between the parties through conciliation, this 2nd appeal is decreed forming this order along with the terms and conditions indicated in Para No.5 as a part of the decree of this 2nd appeal.

8. Free copies of this judgment be supplied to the parties through their learned respective counsels.

9. As such, this 2nd appeal is disposed of finally.

(A.C. BEHERA)
Judge

Orissa High Court, Cuttack
The 10th of April, 2026/ Jagabandhu, P.A.

Signature Not Verified
Digitally Signed
Signed by: JAGABANDHU BEHERA
Designation: Personal Assistant
Reason: Authentication
Location: OHC, CUTTACK
Date: 16-Apr-2026 17:55:07