IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No.372 of 2024

CNR No. ODHC010752582024

Caroline Nayak …. ***Appellant***

Mr. Basudev Pujari, Advocate

-Versus-

Chinmay Patra …. ***Respondent***

Mr. Rabindra Kumar Prusty, Advocate

CORAM:

HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

AND

HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER

Order No. **09.11.2026**

11.

1. This matter is taken up through hybrid arrangement.

2. The appellant-wife had earlier instituted Civil Proceeding No.510 of 2022 under Section 13 of the Hindu Marriage Act, 1955 before the Court of learned Judge, Family Court, Cuttack seeking dissolution of her marriage with the respondent-husband, which was solemnized on 29.04.2016. By an *ex parte* judgment dated 09.09.2024, the learned Judge, Family Court, Cuttack dissolved the marriage between the appellant-wife and the respondent-husband is directed to pay a sum of Rs.4,00,000/- (rupees four lakhs) only to the appellant-wife towards permanent alimony.

3. Being aggrieved by the aforesaid *ex parte* judgment dated 09.09.2024, the appellant-wife has preferred the present appeal under Section 19 of the Family Courts Act, 1984 seeking enhancement of the permanent alimony from Rs.4,00,000/-to Rs.30,00,000/- and for a direction to the respondent-husband for return articles given to him as dowry.

4. Heard learned counsel appearing for the appellant-wife and learned counsel appearing for the respondent-husband.

5. Learned counsel for the appellant-wife submits that since the impugned judgment was passed *ex parte*, the assets and liabilities of the respondent-husband could not properly be assessed for determining the amount of permanent alimony payable to the appellant-wife. To this learned counsel for the respondent-husband though conceded, he submitted that he does not have instruction with regard to return of articles of dowry and such being disputed questions of fact he requested for remitting the matter to the court concerned for determination in this regard.

6. In view of the nature of the disputed factual issues involved, which could not be adjudicated upon appropriately, this Court is of the considered opinion that the matter requires fresh consideration by the learned

Judge, Family Court, Cuttack as these factual aspects should be decided in presence of both the parties at the trial stage, instead of the appellate stage. Accordingly, this Court deems it appropriate to remit the matter to the Court of learned Judge, Family Court, Cuttack for limited purpose to determine the income, assets and liabilities of the respondent-husband and assess the appropriate amount of permanent alimony payable to the appellant-wife. The learned Judge, Family Court shall also examine the claim of the appellant-wife relating to the return of the articles given as dowry and pass appropriate orders thereon, in accordance with law. The entire exercise shall be completed as expeditiously as possible preferably within a period one month from the date of production of a certified copy of this order.

7. Accordingly, the Matrimonial Appeal along with pending Interlocutory Application(s), if any, stand(s) disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

(Murahari Sri Raman)
Judge

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Signed by: RABINDRA KUMAR MISHRA
Designation: Personal Assistant
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 10-Nov-2026 19:41:16