



IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No.28 of 2025

MATA No.26 of 2025

MATA No.28 of 2025

Soumya Sahoo

.... Appellant

Represented by Adv.-

Mr. Amit Prasad Bose, Advocate

-versus-

Ajit Samal

.... Respondent

Represented by Adv.-

Mr. Subir Palit, Senior Advocate

Ms. Subhashree S.Sen, Advocate

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MATA No.26 of 2025

Soumya Sahoo

.... Appellant

Represented by Adv.-

Mr. Amit Prasad Bose, Advocate

-versus-

Ajit Samal

.... Respondent

Represented by Adv.-

Mr. Subir Palit, Senior Advocate

Ms. Subhashree S.Sen, Advocate

CORAM:

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

AND

HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

15.07.2026

(Hybrid mode)

Order No.

10. **1.** Heard Mr. A.P. Bose, learned counsel for the
 appellant-wife and Mr. Subir Palit, learned Senior



Counsel along with Ms. Subhashree Sen, learned counsel appearing for the respondent-husband.

2. The appellant-wife initiated a Civil Proceeding under Section 13(1)(ia) of the Hindu Marriage Act, 1955 read with Section 26 (1) of the Protection of Women from Domestic Violence Act, 2005 being C.P. No.382 of 2022 before the learned Judge, Family Court-II, Bhubaneswar, seeking dissolution of her marriage with the respondent-husband, which was solemnized on 18.02.2018 with a further direction to the respondent-husband to pay compensation and damage of Rs.40,00,000/-.

3. The respondent-husband also filed a civil proceeding under Section 9 of the Hindu Marriage Act, 1955 being C.P. No.258 of 2022 before the learned Judge, Family Court-II, Bhubaneswar for restitution of conjugal rights.

4. The learned Judge, Family Court-II, Bhubaneswar by a common judgment dated 13.12.2024 dismissed C.P. No.382 of 2022 filed by the appellant-wife under Section 13(1)(ia) of the Hindu Marriage Act, 1955 read with Section 26 (1) of the Protection of Women from Domestic Violence Act, 2005 and allowed C.P. No.258 of 2022 filed by the respondent-husband under Section 9 of the Hindu



Marriage Act, 1955 for restitution of conjugal rights.

5. Aggrieved with the aforesaid order of the learned Judge, Family Court-II, Bhubaneswar dated 13.12.2024, the appellant-wife preferred two appeals being MATA No. 28 of 2025 and MATA No. 26 of 2025 under Section 28 of the Hindu Marriage Act read with Section 19 of the Family Court.

6. During pendency of both the appeals, i.e., MATA No. 28 of 2025 and MATA No. 26 of 2025, the appellant-wife filed I.A. No. 40 of 2025 under Chapter VI, Rule-27(a) of the Orissa High Court Rules for stay operation of the judgment dated 13.12.2024 passed by the learned Judge, Family Court-II, Bhubaneswar in C.P. No. 258 of 2022 as well as I.A. No. 39 of 2025 also under Chapter VI, Rule-27(a) of the Orissa High Court Rules in MATA No. 26 of 2025 for stay operation of the judgment dated 13.12.2024. Where both the I.As. relate to stay of the proceeding allowed under Section 9 of the Hindu Marriage Act since her both MATAs are pending for adjudication.

7. After hearing both the parties, a Coordinate Bench of this Court by order dated 24.07.2025 in I.A. No. 40 of 2025 and I.A. No. 39 of 2025, passed the following orders:-

"4. Having heard the learned counsel for the



parties and having perused the papers, we are of the considered view that in view of the admission of the Appeals for deeper examination, which obviously would take some more time, in the fitness of things, the execution proceedings need to be interdicted till disposal of the Appeals and accordingly, they are, subject to Appellant-wife depositing a sum of Rs.2,00,000/- (rupees two lakh) only in the Registry to show her bona fide, within a period of four weeks. If the condition is not complied with, it is open to the Executing Court to process the execution in accordance with law."

8. The office note dated 10.12.2025 reveals that pursuant to the order dated 24.07.2025, the appellant-wife has already furnished a Bank Draft of Rs.2,00,000/- bearing Bank Draft No.139426, dated 11.08.2025 of IDFC First Bank Ltd. drawn in favour of the Registrar (Judicial) Odisha High Court, Cuttack.

9. When the matter was subsequently heard, the parties have indicated that they are trying to settle the dispute amongst themselves. On the sincere efforts made by learned counsel for the parties, it appears that the settlement terms have been worked out.

10. A joint affidavit dated 15.07.2026 has been filed before this Court. In the said affidavit, the parties have conjointly prayed for disposal of both the appeals and to pass a decree of divorce dissolving the



marriage solemnized between them on 18.02.2018. It is stated by them that they are not interested to continue with the marriage and they want to depart without there being any grievance left against each other. Therefore, they pray that the judgment dated 13.12.2024 passed in Civil Proceeding No.382 of 2022 be set-aside and a decree of divorce be issued.

11. Similarly, the judgment dated 13.12.2024 in Civil Proceeding No.258 of 2022 granting restitution of conjugal right in favour of the husband be also set-aside. Further, the parties have agreed as under:

"(iv) That, the Wife/Appellant will not claim any permanent alimony, nor will pray for any maintenance in any court of law in future. So also the husband/ respondent will have no claim against the wife in future.

(v) That, the parties have agreed that the articles belonging to the wife/Appellant under exhibit-3 and 4 will be returned by the husband/respondent within fifteen (15) days of this judgment by this Hon'ble Court. In case there are no articles available at the hand of the husband, adequate amount of money, at par with those articles will be paid to the wife/Appellant in shape of Cheque or Demand Draft, drawn on favour of the Wife/Appellant. The husband will handover LIC and Fixed deposit bond to the wife and the money in lieu of those will be adjusted as per exhibit- 3 and 4.

(vi) That, as regards to Exhibit- 2 Series and 5 Series, the money/expenses incurred by the wife's family for marriage and other expenses will be returned in shape of a cheque of Demand Draft, drawn on favour of the Wife/Appellant.



(vii) That, the parties have decided to withdraw all cases filed against each other, either civil or criminal within fifteen (15) days of payment of money and return of articles as stated above and wife will return the gold ornaments with her given by the husband as stated above time."

12. Learned counsel appearing for both the parties, on instruction, submitted that the parties will scrupulously comply with the agreed terms.

13. Mr. Amit Prasad Bose, learned counsel appearing for the appellant-wife submitted that the respondent-husband shall hand over the LIC and Fixed Deposit Bond to the wife and the amount realized from the F.D. and LIC Bond shall be adjusted/factored into cost of the belongings as per Exts.3 and 4. The amount of Rs.2,00,000/- which is lying in deposit in the Court shall be returned to the wife. Both learned counsel for the parties have also agreed to the said terms. It is also agreed by the parties that the cases filed by both the parties against each other shall be withdrawn by the respective parties within fifteen (15) days without fail.

14. In view of the aforementioned agreed terms of settlement, which has been reproduced herein above, we are inclined to dispose of both appeals bearing MATA No.28 of 2025 and MATA No.26 of 2025.

15. Accordingly, the judgment dated 13.12.2024



passed by the learned Judge, Family Court-II, Bhubaneswar in Civil Proceeding No.382 of 2022 is set aside and the marriage between the appellant-wife and the respondent-husband solemnized on 18.02.2018 stands dissolved on the consent terms. As a consequence of the same, the judgment dated 13.12.2024 passed by the learned Judge, Family Court-II, Bhubaneswar in Civil Proceeding No.258 of 2022 decreeing restitution of conjugal rights in favour of the husband also stands set aside.

16. The Registrar (Judicial), Orissa High Court shall reimburse the amount of Rs.2,00,000/- (Rupees two lakhs) with interest, if any, to the appellant-wife on being duly identified and obtaining her acknowledgment in that regard.

17. Accordingly, both appeals bearing MATA No.28 of 2025 and MATA No.26 of 2025 stand disposed of. Accordingly, Registry is directed to draw the decree.

(Manash Ranjan Pathak)
Judge

(Sibo Sankar Mishra)
Judge