

IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No.84 of 2022

Sujata Kumari Nayak @ Madala ***Appellant***

Mr. D.P. Dash, Advocate

-versus-

Sudhir Kumar Madala ***Respondent***

Mr. T.K. Mishra, Advocate

CORAM:

JUSTICE ARINDAM SINHA

JUSTICE M.S. SAHOO

ORDER

27.02.2024

MATA no.84 of 2022 and I.A. no.123 of 2023

Order No.
08.

1. Mr. Dash, learned advocate appears on behalf of appellant-wife. He submits, application has been made for production of additional evidence in appeal. The additional evidence is judgment dated 15th March, 2022 made by the family Court decreeing his client's civil proceeding for restitution of conjugal rights under section 9 of Hindu Marriage Act, 1955. Mr. Mishra, learned advocate appears on behalf of respondent-husband.

2. We find, impugned judgment dated 11th April, 2022 was made by family Court, Rayagada. By it, the marriage stood dissolved at instance of respondent-husband. The judgment was made ex parte against appellant-wife.

3. Aforesaid judgment dated 15th March, 2022 was made by family Court, Paralakhemundi. By it, restitution of conjugal rights was decreed at instance of appellant-wife, the judgment was made ex parte against respondent-husband.

4. On query from Court Mr. Dash submits, summons in the civil proceeding, resulting in impugned judgment, was served on his client. She had unsuccessfully applied to this Court for transfer of the case. In the circumstances, we find no relevance of ex parte judgment dated 15th March, 2022 for purpose of adjudicating the appeal. However, appellant-wife is given liberty to produce documents to show, said judgment dated 15th March, 2022 was duly intimated to respondent-husband prior to impugned judgment dated 11th April, 2022 having had been made. The application is accordingly disposed of.

5. List the appeal on 12th March, 2024.

(Arindam Sinha)
Judge

(M.S. Sahoo)
Judge

Jyoti

Signature Not Verified

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Location: HIGH COURT OF ORISSA
Date: 27-Feb-2024 17:29:45

