



IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No.325 of 2024

Sabitri Panda

....

Appellant

*Represented by Adv.-
Mr. S. Dash, Advocate*

-versus-

Trilochan Panda

....

Respondent

Represented by Adv.-

CORAM:

THE HON'BLE MR. JUSTICE ARINDAM SINHA

AND

THE HON'BLE MR. JUSTICE M.S. SAHOO

ORDER

16.12.2024

MATA no.325 of 2024 and I.A. no.356 of 2024

Order No.

03.

1. Mr. Dash, learned advocate appears on behalf of applicant/appellant and submits, postal article bearing the notice sent on fresh requisites put in pursuant to order dated 19th November, 2024 has also been returned. He presses for condonation of reported delay of 3062 days and admission of the appeal.

2. It appears from returned postal article, the endorsement made is of insufficient address for returning it to sender. We have compared



address given in the postal article with respondent's address as appearing in impugned ex-parte order dated 23rd February, 2016. They are the same address but the portal article could not be served. It is clear respondent went before the Family Court giving incorrect address. As such, we consider the situation to be of good service.

3. Mr. Dash refers to paragraph 2 in the application for condonation of delay. Contention of applicant is, by impugned ex-parte order dated 23rd February, 2016, respondent obtained dissolution of the marriage. In suppression thereof respondent continued to defend the civil proceeding for divorce filed by applicant/appellant before the learned Civil Judge, Soro, Balasore. It is only after a long time of proceeding before the learned Civil Judge, respondent pulled out impugned order to say the marriage had already been dissolved. His client thereby getting knowledge, had in the meantime unsuccessfully applied for setting aside of the order. Respondent goes unrepresented.

4. Mr. Dash is requested to communicate website copy of this order to learned advocate, who represented respondent in the Civil Court Soro, Balasore. The acknowledgement be filed on adjourned date.



5. We accept causes shown in the application. The delay is condoned and the appeal admitted. The application is disposed of.

6. Appellant will put in requisites for issuance of notice of appeal. The lower Court record be called for.

7. On query Mr. Dash submits, the proceeding before the Civil Court remains pending while by impugned ex-parte order, no permanent alimony was directed.

8. List on 20th January, 2025.

(Arindam Sinha)
Judge

(M.S. Sahoo)
Judge

Prasant

Signature Not Verified

Digitally Signed
Signed by: PRASANT KUMAR SAHOO
Designation: PERSONAL ASSISTANT
Reason: Authentication
Location: Orissa High Court
Date: 16-Dec-2024 18:03:27

