



IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No.256 of 2024 & MATA No.325 of 2024

An application under Section 19 of Family Courts Act, 1984

MATA No.256 of 2024

Smt. Sabitri Panda		Appellant
-Versus-		
Trilochan Panda		Respondent

Advocates appeared in this case:

For Appellant : Mr. Satrughna Dash (A), Advocate

For Respondent: Mr. S. R. Tripathy, Advocate

MATA No.325 of 2024

Smt. Sabitri Panda		Appellant
-Versus-		
Trilochan Panda		Respondent

Advocates appeared in this case:

For Appellant : Mr. Satrughna Dash (A), Advocate

For Respondent: Mr. S. R. Tripathy, Advocate

CORAM:

**THE HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
AND
THE HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO**

J U D G M E N T

DECIDED ON 20.08.2025



BY **THE BENCH**

Pursuant to the earlier order dated 05.08.2025 the matter is listed. On the said date, the learned counsel for the appellant as well the respondent were present along with both the parties, i.e., the appellant-wife and the respondent-husband in the marriage.

2. On 05.08.2025, after hearing the parties in person and upon hearing the learned counsel for the parties, we had observed as follows:

“1. Both the parties are present in person as per the directions issued earlier on 10.07.2025. They look aged enough to understand the realities of life. However, litigation has brought them to a situation where they have to appear before this Court to express their grievances / versions arising out of the matrimonial disputes between them.

2. Both the Appellant-wife and Respondent-husband were spoken to by the Court in the language they understand, i.e. Odiya. The Appellant-wife narrated before us how she lives in pitiable condition leading distressed and unhappy life in the space that has been provided to her by the Respondent-husband which is otherwise not meant for decent living.

3. The District Legal Services Authority, Balasore through local officers and para-legal volunteers shall conduct an enquiry of the place where the Appellant-wife Sabitri Panda is staying in the given address, i.e. Sabitri Panda, W/o. Trilochan Panda, at – Begunia, P.O.- Brahmangaon, P.S. – Simulia, Dist. – Balasore. The enquiry to be conducted shall look into whether the Appellant has been provided proper facilities for stay, food and kitchen, electricity, drinking water, sanitation, etc. and other



essential daily requirements. The report shall be furnished through the Secretary, District Legal Services Authority, Balasore to the Registry of this Court to be placed on record before this Court on the next date.

4. As an interim measure to bring some relief to the Appellant, it is directed that the District Education Officer, Balasore shall deduct a sum of Rs.10,000/- (Rupees Ten Thousand) from the pension amount received by the Respondent-husband namely Trilochan Panda of Begunia, P.O.-Kancha Parada, P.S. – Simulia, Dist.-Balasore, which shall be credited to the account of the Appellant-wife every month effecting from September, 2025 onwards, and for the months of July and August, 2025, a sum of Rs.20,000/- (Rupees Twenty Thousand) shall be deducted from the pension account of the Respondent-husband and credited to the account of the Appellant-wife. The DEO shall forward website copy of this order to the Bank where the Respondent maintains his pension account, as tagged to the Savings Bank Account.

The DEO, Balasore shall also submit an official report enclosing the Pension Account Statement of the Respondent-husband by the next date to be sent to the Registrar (Judicial) of this Court for placing the same on record.

5. By the next date, i.e. 20.08.2025 compliance of today's order shall be furnished by the DEO, Balasore as well as the learned Secretary, DLSA, Balasore.

6. The Respondent shall remain present on 20.08.2025 at 2.00 PM, as he has stated before this Court that the Appellant-wife has been provided with all the necessary comforts in her staying place and she leads a normal life.

7. On the request of the learned counsels appearing for the parties, list this appeal on 20.08.2025 along with connected MATA No.325 of 2024 for admission, marked at 2.00 PM.



3. Pursuant to the order dated 05.08.2025 the District Education Officer, Balasore has intimated the Registrar (Judicial) by letter dated 18.08.2025 that amount of Rs.10,000/- (Rupees ten thousand only) for each of the months, July and August, 2025 Rs.20,000/- has been credited to the account of the appellant-wife in Odisha Gramya Bank, Purusottampur Branch, A/c No.41450100001018.

4. Copy of the Saving Banks Account Passbook of the respondent-husband UCO Bank, Ranital, individual pensioner ledger is also enclosed to the letter of the District Education Officer, which indicates an amount of Rs.25,317/- per month is being received by the respondent-Sri Trilochan Panda towards his pension. Though the pension account statement is supposed to be attached to the letter of the Block Education Officer dated 14.08.2025, somehow the same has not been annexed. However, we leave the issue there.

5. The Secretary, District Legal Services Authority by letter dated 18.08.2025 has intimated the Registry of this Court regarding the steps taken pursuant to our order dated 05.08.2025. A joint enquiry report has been furnished annexed to the letter of the Secretary, District Legal Services Authority. The letter has been signed by the District



Social Welfare Officer (DSWO), Balasore and Sri Suresh Kumar Bhol, Trained Para Legal Volunteer of DLSA, Balasore.

6. The above directions by us dated 05.08.2025 and the steps taken pursuant thereto was in view of the concern and sentiment expressed by the appellant-wife regarding her living condition, and the place where she stays now i.e., the house of the respondent-husband.

We put on record our appreciation of the DSWO, Para Legal Volunteers for conducting the enquiry. We also appreciate the action taken by Secretary, DLSA, Balasore and also DEO, Balasore and BEO, Balasore in compliance with the order by deducting the amount of Rs.20,000/-and crediting the same to the account of the appellant.

7. Now coming to the merits of the case, the appellant challenges the order dated 07.05.2024 in CMA No.101 of 2017 filed under Order IX Rule 13 of the CPC for setting aside the ex-parte judgment and decree dated 23.02.2016 passed in C.P. No.31 of 2014 by the learned Judge, Family Court, Balasore. In view of the judgment and decree being ex-parte, we have gone through the copies of entire records of trial court as has been made available provided to the Registry and



placed before us. On 28.11.2014 in C.P. No.31 of 2014 the following order has been passed by the learned Judge.

“Hazira filed on behalf of the petitioner. S.R. not back. Perused the P.A. and case record. Seen that P.A. back as refused by the respondent. Hence, service against respondent is held to be sufficient. Respondent is absent on calls and takes no step. So, respondent is set ex-parte. Put up on 24.12.2014 for expt. hearing.”

8. On perusal of the entire case record, we find that the report regarding refusal by the respondent as noted in the order dated 28.11.2014 is not available. Conspicuously, the learned Judge has recorded in the said order that ‘SR not back’. We understand ‘SR’ stands for ‘service return’/‘service report’. An order i.e. dated 28.11.2014 observing two contradictory things i.e. service report not back and again observing that the “respondent has refused” in the normal circumstances is untenable, inasmuch as, the learned trial court should have tried to find out the reasons for “service report” not being available and should have recorded those reasons. Such a course of action on part of the trial court is more imperative as it was dealing with a matrimonial matter involving life of two individuals.

9. We need not examine further as the same is not required in the facts and circumstances of the case, we think it just and proper and we



do set aside the judgment and decree passed ex-parte dated 23.02.2016 in C.P. No.31 of 2014 and remand the matter back to the learned Judge, Family Court, Balasore for taking up the trial afresh from the stage where the respondent was set ex-parte. As a consequence, we also set aside the order dated 07.05.2024 passed in CMA No.101 of 2017 arising out of C.P. No.31 of 2014 rejecting the prayer made by the appellant-wife under Order IX Rule 13 of the CPC for setting aside ex-parte decree.

10. Having heard learned counsel for the respondent regarding the condition of the respondent and the dependency on him we modify our order dated 05.08.2025 regarding payment of monthly maintenance to the appellant which shall be ₹8,000/- (Rupees Eight Thousand only) per month from the month of September, 2025 onwards.

11. Copy of this order shall also be sent to the District Education Officer (DEO), Balasore for compliance as the amount to be deducted has been modified. The DEO shall also intimate the Bank, where the respondent is having his pension account. The appellant shall receive the amount of Rs.8,000/- (Rupees Eight thousand only) in her account



as indicated above in Odisha Gramya Bank savings bank account No.41450100001018 from September, 2025.

Copy of this judgment and order shall also be forwarded to the learned Judge, Family Court, Balasore by the Registry. The parties shall have the liberty to produce the certified copy of the order.

It is directed that the parties shall appear before the learned Judge, Family Court, Balasore on 22.09.2025. On the said date, learned Family Court shall fix a date further steps to be taken in the matter as would be required in accordance with law.

12. Both the appeals are allowed and disposed of in terms of the directions as made above. Copy of this judgment shall be kept in records of both the MATAs. Registry shall also forward a copy the judgment to the learned trial court. Now costs made easy.

Manash Ranjan Pathak
Judge

Mruganka Sekhar Sahoo
Judge

Signature Not Verified

Digitally Signed
Signed by: GAGAN BIKASH MAHAL
Reason: Authentication The 20th August, 2025/Gs/Radha
Location: ohc
Date: 25-Aug-2025 19:51:36