



IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No. 339 of 2024

B. Suman Kumar

....

Appellant

Represented by –

Mr. R.K. Pattanaik, Advocate

along with

Mrs. Madhusnata Routray, Advocate

-Versus-

Srinimisha

....

Respondent

Represented by –

Mr. Goutam Mukherji, Sr. Advocate

along with Mr. A. Nair, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

AND

HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

20.11.2025

(Hybrid Mode)

Order No.

- 09.**
1. The order dated 01.08.2025 has not been complied with by the appellant.
 2. As it happens every time, a new counsel appears on behalf of the Appellant stating that he/she is authorized by the learned counsel who was appearing earlier. Today Mrs. Madhusnata Routray appears and states that though she has not filed Vakalatnama, she is appearing on behalf of Mr. R.K. Pattanaik, learned counsel for the appellant. We accept the said submission and accept appearance of Mrs. Routray for the appellant.



3. By order dated 22.07.2025, the Coordinate Bench of which one of us (M.S. Sahu, J.) was a member, observed thus –

“3. Pursuant to our order dated 01.07.2025, the parties and their pretty girl child are personally present before the Court. We had short & pleasant interaction with the child. Husband on being asked, repeatedly submitted that he has returned all the gold ornaments of the wife enlisted in Annexure-1 in the LCR. However, he has not placed any evidentiary material before us to vouch that. He also admitted that he has got about one tola (10 gms) or so of the gold ornament with him. He also admitted that he had pledged gold ornament about 100 grams in the Federal Bank of Balasore and he does not remember the date, on which he redeemed the pledge.

4. Very strangely, he asserts that during the legal battle, he has handed these gold ornaments to the wife, which she denies. It turns militantly countered to the common sense.

5. In the above circumstances, reserving our order as to what should happen to the husband, the Manager of Federal Bank, Balasore is directed to furnish the full loan/pledge details of the gold in question from his branch or any other connected branch of Balasore in a sealed cover address to the Registrar (General) of this Court immediately.”

4. By the said order, the appellant was directed to remain present in person on the next date. However, he did not appear on the next date on 01.08.2025 and Mr. Rajesh Tripathy, learned counsel appeared for him. On 01.08.2025 further time was granted and the following order was passed –

“4. Certain issues have cropped up, which are not the actual subject matter of this appeal. It is submitted by the learned Senior Counsel Mr. Goutam Mukherji, that the Appellant had requested the wife in the marriage for a meeting. The meeting between the Appellant and the Respondent was also in the



chambers of Mr. Mukherji, learned Senior Counsel. Certain assurances have been given by the Appellant-husband to the Respondent-wife.

Mr. Tripathy, learned counsel is also aware of the said assurance and he submits that the Appellant is sincere about returning the gold ornaments he had retained, which is the exclusive property of the wife. The matter shall be considered further on the next date.

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7. It is further clarified that, if any property or any money or any other 'Stridhana' is returned to the wife-Respondent, list of the same shall be filed by making affidavit, giving the details therein before this Court and the materials like ornaments / gold, etc. have to be produced before this Court for taking cognizance of such return."

5. Till date the said order dated 01.08.2025 nor the earlier order dated 22.07.2025 has been complied with by the appellant. Learned counsel Mrs. Routray submits that "her client is ready to comply".

6. We have explained to the learned counsel that we have never invited or asked the appellant to be ready rather we have directed specifically as indicated in those orders what he has to do and how he has to file affidavit. We have also expressed our displeasure that our directions have not been complied and the appellant has chosen not to appear though was directed by this Court.

7. Learned counsel for the appellant fairly concedes that the orders have not been complied with. She submits that she was intimated regarding the illness of her client. We also deprecate the oral statement made on behalf of the appellant without any affidavit being filed explaining his conduct.



We have also asked the appellant to be present in person to explain his conduct. He submits in Hindi that “Taviyat Kharap Tha”.

8. We appreciate the fair stand taken by the learned counsel for the appellant that the appellant should have filed affidavit explaining his conduct regarding non-appearance and he should apologize for not filing the affidavit, as undertaken before this Court earlier.

9. Reluctantly though, we grant further time to the appellant. List under the same heading on 16th December, 2025.

10. It is mentioned in the cause-list that the Compliance Report of Branch Head, Federal Bank, Balasore is placed at Flag-A. The Registry shall ensure production of the same by the next date in sealed cover.

11. Personal appearance of the appellant is dispensed with for the day. He shall remain present in person on the next date of hearing, which is informed to him in presence of the learned counsel appearing for him.

(Manash Ranjan Pathak)
Judge

(Mruganka Sekhar Sahoo)
Judge

S.K. Parida