



IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No. 387 of 2025

Nikesh Kumar Mahapatra

....

Appellant

Represented by Adv.—
Mr. Bibekananda Bhuyan, Sr. Advocate
along with Mr. S.S. Bhuyan
& Mr. S. Mohapatra, Advocates

-Versus-

Jalina @ Sagarika Swain

....

Respondent

Represented by Adv._

CORAM:

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

AND

HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

29.11.2025

(Hybrid mode)

Order No.

01.

1. Heard learned Senior Advocate for the appellant.

The appellant-husband challenges the order passed by the learned Judge, Family Court, Dhenkanal under the provisions of the Code of Civil Procedure in Order-IX Rule-13 thereby setting aside the *ex-parte* decree dated 17.12.2024 passed in C.P. No.92 of 2024 allowing the C.M.A No.02 of 2025 filed by the wife, by order dated 08.09.2025.

2. Issue notice along with this order.

Requisites for issuance of notice by Speed Post with AD shall be filed within five working days.

I.A. No.562 of 2025

3. Heard, learned Senior Advocate for the appellant.

Issue notice as above.



Accept one set of process fee as well as the postal requisites along with the appeal.

It is submitted by the learned Senior Advocate that after restoration of the C.P. No.92 of 2024 pursuant to the order dated 08.09.2025 passed in C.M.A. No.02 of 2025, the learned Court would proceed in the suit.

It is submitted that in the interest of justice and fair play, the learned Trial Court should wait till the notice is sufficient and the matter is taken up by this Court.

4. Accordingly, in the interim, it is directed that further proceeding in C.P. No.92 of 2024, restored by the order dated 08.09.2025 in C.M.A. No. 02 of 2025 shall remain stayed and await further orders from this Court.

5. The learned instructing counsel has the liberty to serve copy of the appeal memo along with I.A. and copy of this order through the conducting counsel in the learned trial Court on the learned counsel appearing for the respondent.

6. Issue urgent certified copy as per rules.

7. List after SR.

Liberty to mention.

(Manash Ranjan Pathak)
Judge

(Mruganka Sekhar Sahoo)
Judge

Signature Not Verified

Digitally Signed
Signed by: NARAYAN HO
Reason: Authentication
Location: OHC
Date: 01-Dec-2025 16:29:55

