



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30999 of 2023

Rukmani Sutar

....

Petitioner

Mr. B. Swain, Advocate

-versus-

Suryakanta Sutar

....

Opp. Party

Ms. S. Patnaik, Advocate

CORAM:

HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO

Order
No.

ORDER
12.01.2026
(Hybrid Mode)

11. **1.** Heard learned counsel for the petitioner and learned counsel for the opposite party.
- 2.** The petitioner-wife is before this Court partly challenging the order dated 06.07.2023 passed by the learned Judge, Family Court, Bhubaneswar in I.A. No.06 of 2021 arising out of C.P. No.55 of 2021. The said CP was filed by the petitioner-wife seeking decree of divorce under Section 13 of the Hindu Marriage Act, 1955. During pendency of the petition, the I.A. was filed seeking maintenance under Section 24 of the Hindu Marriage Act, 1955 and the order was passed, which is challenged herein.
- 3.** It is submitted by the learned counsel for the petitioner that in all fairness, the Court should have granted the maintenance with effect from filing of the petition and not from the date of passing of the order as



has been done in this case.

It is further submitted that the petitioner also wants enhancement of the maintenance.

4. In response, learned counsel Ms. Patnaik for respondent refers to the counter affidavit, submits that during pendency of this writ petition, the CP was dismissed for non-prosecution by order dated 19.08.2025. Therefore, the cause of action seeking maintenance under Section 24 of the Hindu Marriage Act, 1955 would not survive. She further argues that in view of the doctrine of merger the order passed under Section 24 of the Hindu Marriage Act also merges with the final order dismissing CP No.55 of 2021 on 19.08.2025.

5. In response learned counsel for the petitioner submits that an application has been filed for recalling of order of dismissal dated 19.08.2025 which is posted for consideration today, i.e., 12.01.2026. before the learned Judge, Family Court, Bhubaneswar.

It is submitted by Ms. Patnaik that such fact has not been brought to the notice of this Court by filing a rejoinder.

6. However, at the request of learned counsel for the petitioner the matter is adjourned.

7. List in the week commencing 2nd February, 2026.

(Mruganka Sekhar Sahoo)
Judge