



IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No. 479 of 2025

Kadambini Das

....

Appellant

Represented by Adv.—

Mr. Basudev Pujari, Advocate

-Versus-

Sourya Suvankar Swain

....

Respondent

Represented by Adv._

CORAM:

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

AND

HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

18.12.2025

(Hybrid mode)

Order No.

01

1. The appellant-wife is before this Court challenging the *ex-parte* decree dated 21st November, 2023 filed by the learned Judge, Family Court, Bhubaneswar in Civil Proceeding No.388 of 2023. The said C.P. was filed by the respondent/petitioner, husband in the marriage under Section-13(1) of the Hindu Marriage Act, 1955.
2. We notice that due to non-appearance of appellant-opposite party-wife in the C.P. was set *ex-parte*. The statement of address made in the C.P. is same of both the appellant-wife and respondent-husband. They have been shown to be residing in the same address whereas specific stand in the C.P. filed by respondent-husband is that the wife has left the matrimony. The learned Judge, Family Court should have been more careful as the address statement contained in the C.P. itself has significance.
3. The CMA filed by the appellant-wife, opposite party in the marriage under Order-9 Rule-13 of the Code of Civil Procedure for setting aside the *ex-parte* decree was also dismissed.



Heard learned counsel for the Appellant.

4. Issue notice along with this order.

Requisites for issuance of notice by Speed Post with AD be filed within 5 working days.

5. List after SR.

Liberty to mention.

I.A. No.700 of 2025

6. Since, the appeal has been filed within the period prescribed, the Bar contained in Section-15 of the Hindu Marriage Act, that restrains both parties appellant-wife and respondent-husband in the marriage not to undertake any further matrimony shall operate.

Copy of this order shall also be issued along with notice issued in the appeal/I.A.

7. The I.A. is disposed of.

(Manash Ranjan Pathak)
Judge

(Mruganka Sekhar Sahoo)
Judge