

IN THE COURT OF THE JUDGE, FAMILY COURT,  
BHUBANESWAR.

Present : Shri Pravakar Mishra, OSJS (SB),  
Judge, Family Court, Bhubaneswar.

Civil Proceeding No. 516 of 2013

Raju Sahu, aged about 25 years,  
S/o- Lochan Sahu,  
Resident of Plot No. 3, Ramani Sahi,  
Bharatpur, P.S.-Khandagiri,  
Bhubaneswar, Dist-Khurda

... Petitioner

... Versus...

Smt. Sisali Samantray @ Sahu, aged about 21 years,  
W/o-Raju Sahu,  
D/o-Sadashiva Samantray,  
Plot No. 1246, Behera Sahi,  
P.O./P.S.-Nayapalli, Bhubaneswar,  
Dist-Khurda

... Respondent

Date of argument : 28.08.2014

Date of order : 12.09.2014

ORDER

The petitioner has files this application Under Sec.9 of Hindu Marriage Act with prayer for restitution of her conjugal rights.

2. The case of the petitioner is that their marriage was solemnized in Maa Tarini Temple, Ghatagaon, Keonjhar on 19.05.2011. They led a happy conjugal life for some days in a rented house and out of their wedlock one male child namely Gulu was born. Two months after their marriage as per demand of the respondent, the petitioner left the said rented house and thereafter shifted to the paternal house of the respondent and stayed there and during their stay the respondent always misbehaved and underestimated him and also quarreled with him on silly matters but he tolerated such with a hope the respondent will change her behaviour towards him but it gradually worsed. He has further averred that in the meanwhile they have blessed with the child

and the parents and other in laws of the respondent did not change their behaviour and did not take care of the newly born baby. Therefore, he along with the respondent and his son shifted to a rented house at Shastrinagar, Bhubaneswar. During her stay, the respondent frequently visited to her parent's house leaving son with the petitioner and when the petitioner objected it the respondent became furious and used filthy languages to him and his parents. He has averred that on 19.07.2011 the respondent went to her parental home with her son for a week to see her parents but did not return again. He has averred that when he went to the house of the respondent to bring her and during his stay there for two to three days, the parents of the respondent persuaded him to come and stay with them permanently and when the petitioner did not agree to their proposal, the parents of the respondent did not allow him to bring back the respondent with him and the respondent also did not agree to come with him and join in his company. Several attempts have been made by him and his family members but in vain. Finding no other alternative, the petitioner has filed this proceeding for restitution of conjugal life.

3. The respondent did not contest the proceeding and therefore, is set ex-parte.
4. The following points are to be determined for adjudication of the case:
  - (i) Whether the respondent without any rhyme and reason deserted the petitioner and avoided for any conjugal relationship?
  - (ii) Whether the petitioner is entitled for restitution of conjugal rights as claimed for?
6. The petitioner in order to prove his case he, himself, examined as P.W. 1.
7. The petitioner in his evidence has supported the facts as stated in his petition and has stated that the respondent deserted him since 19.07.2011. He has further stated that the respondent and his family members tortured him both mentally and physically when he did not agree to live with the respondent in her father's house. He has further stated that the parents of the respondent also did not allow him to bring back the respondent with him and the respondent also did not agree to come with him. The above evidence of the petitioner remains unchallenged. There is no reason to disbelieve the

unchallenged testimony of the petitioner. From the evidence of the petitioner it is forthcoming that the respondent and his family members tortured the petitioner both mentally and physically. The conduct of the respondent towards the petitioner is intolerable, which clearly proves that the respondent has voluntarily left the matrimonial house without any rhyme or reason and the petitioner has well proved that the respondent has denied her for any conjugal relationship. Therefore, the petitioner is entitled for restitution of conjugal rights as claimed for. Hence, ordered:

O R D E R

The petition filed by the petitioner is allowed ex-parte against the respondent. A decree of restitution of conjugal rights is passed in favour of the petitioner with effect from the date of decree. The respondent is directed to take steps for restitution of conjugal life with the petitioner.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Dictated, corrected by me and is pronounced on this the 12<sup>th</sup> day of September, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioner:

P.W.1      Raju Sahu

Witnesses examined for the respondent:

None

List of documents by petitioner:

Nil

List of documents by respondent:

Nil

JUDGE, FAMILY COURT,  
BHUBANESWAR.