

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

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

Civil Proceeding No. 326 of 2013

Sri Papu @ Ranjit Rout, aged about 30 years,
S/o-Late Maheswar Rout,
Vill.-Baramunda (Talasahi), P.O.-Baramunda,
P.S.-Khandagiri, Bhubaneswar, Dist-Khurda.

... Petitioner

... Versus...

Runu Rout, aged about 23 years,
W/o-Ranjit Rout,
D/o-Abhiram Rout,
At-Eicher Show Room Basti, Rasulgarh,
Near Dharitri Office, P.S.-Mancheswar,
Bhubaneswar, Dist-Khurda.

... Respondent

Date of Argument : 04.12.2015

Date of Judgment: 04.12.2015

J U D G M E N T

The petitioner-husband, Sri Papu @ Ranjit Rout has filed this application under Section 9 of the Hindu Marriage Act, 1955 (in short the Act, 1955) with a prayer for restitution of his conjugal rights with the respondent-wife, Runu Rout.

2. The facts of the case of the petitioner are that he married to the respondent as per Hindu custom and rites in the parental home of the respondent on 26.02.2009 and out of their wedlock one daughter was born. According to the petitioner, the respondent is an adamant, egoistic and quarrel some lady. The respondent during her stay did not do any household work. She has also misbehaved and abused him and his family members. It is averred by the petitioner that the respondent insisted him to reside separately

from his other family members and when he refused it, the respondent created disturbances in the family and started torturing him. It is further averred by him that the parents of the respondent also insisted the respondent to grab his money and property. Her parents also instigated the respondent to file false criminal cases against him and his family members. It is further averred by the petitioner that one day the respondent abused and threatened him to commit suicide in order to foist criminal cases against him. The parents of the respondent also threatened to kill him by engaging criminals if he shall not give them a huge amount of money and also to record his residential property in the name of the respondent. It is further averred by him that the respondent has left his company since 18.06.2013. Thereafter several attempts have been made from his side to bring her back but all were in vain. Hence, the petition.

3. The respondent did not contest the proceeding hence, she has been set ex-parte and ex-parte hearing has been taken up.

4. The following points are to be determined for adjudication of the case:-

- (i) Whether the respondent is the legally married wife of the petitioner?
- (ii) Whether the respondent without any rhyme or reason deserted the petitioner and avoided for any conjugal relationship?
- (iii) Whether the petitioner is entitled for restitution of conjugal rights as claimed for?

5. The petitioner in order to prove his case he, himself, has been examined as P.W.1 but did not choose to file any document on his behalf. P.W.1 in his evidence has supported the averments made in his petition. P.W.1 has stated that his marriage with the respondent was solemnized in the parental home of the respondent on 26.02.2009. Therefore, it is established that the respondent is the legally wedded wife of the petitioner.

6. The petitioner while being examined as P.W. 1 has stated that the respondent has deserted him without any rhyme or reason since 18.06.2013 and thereafter despite his sincere efforts, the respondent did not join with his company for continuation of their marital relationship. Rather, on some

pretext or other she avoided for any relationship with the petitioner. The respondent without any rhyme or reason neglected the petitioner and did not take any steps for consummation of their marriage. It is the respondent, who is the author of the entire matrimonial dispute. Therefore, the petitioner is entitled for restitution of conjugal rights as claimed for. Hence, it is ordered;

O R D E R

The petition filed by the petitioner for restitution of conjugal rights is allowed ex-parte against the respondent. A decree of restitution of conjugal rights is hereby passed in favour of the petitioner. The respondent is hereby directed to join with the company of the petitioner in her matrimonial home within fifteen days from the date of this order. Any deviation to comply the order of the Court, the petitioner is at liberty to take further action through due process of law.

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Dictated, corrected by me and is pronounced on this the 4th day of November, 2015.

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BHUBANESWAR.

Witnesses examined for the petitioner:

P.W.1 Sri Papu @ Ranjit Rout

Witnesses examined for the respondent:

None

List of documents by petitioner:

Nil

List of documents by respondent:

Nil

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