

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

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

Civil Proceeding No. 500 of 2013

Baikunthanath Sethi, aged about 43 years,
S/o-Prahallada Sethi,
Resident of Hatabasta, P.O.-Bankoi,
P.S.-Bolagarh, Dist-Khurda.
At present residing at Vill/P.O.-Mendhasala,
P.S.-Chandaka, Dist-Khurda.

... Petitioner

... Versus...

Golap Sethi, aged about 29 years,
W/o-Baikunthanath Sethi,
D/o-Nilamani Sahoo,
Resident of Hatabasta, P.O.-Bankoi,
P.S.-Bolagarh, Dist-Khurda.
At present residing at Plot No. 187,
C/o- Arjuna Sahoo,
Back side of Sushila Apartment Behera Sahi,
Nayapalli, P.O./P.S.-Nayapalli, Bhubaneswar-12,
Dist-Khurda.

... Respondent

Date of Argument : 09.12.2015

Date of Judgment : 11.12.2015

J U D G M E N T

The petitioner-husband, Baikunthanath Sethi, 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, Golap Sethi.

2. The facts of the case of the petitioner are that he married to the respondent as per Hindu custom and rites in Ghadumala Thakurani temple, Andharua under Chandaka police station in the district of Khurda on

07.07.1995. It is averred by the petitioner that after marriage, the respondent showed abnormal behavior towards him and his family members. According to the petitioner the respondent is adamant, arrogant, selfish, short tempered unfaithfully and dominant lady who did not care him and his family members. The respondent during her stay did not perform her marital obligations. It is further averred by the petitioner that on 04.07.2013 the respondent without intimating him and his family members left his house. Thereafter several attempts have been made from his side to bring her back but all were in vain due to willful refusal of the respondent. Thereafter he sent a pleader notice to the respondent to join his company but the respondent did not paid any heed to it. 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 Ghadumala Thakurani temple, Andharua under Chandaka police station in the district of Khurda on 07.07.1995. 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 04.07.2013 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 11th day of December, 2015.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioner:

P.W.1 Baikunthanath Sethi

Witnesses examined for the respondent:

None

List of documents by petitioner:

Nil

List of documents by respondent:

Nil

JUDGE, FAMILY COURT,
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