

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

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

Civil Proceeding No. 576 of 2014

Satyananda Sahoo, aged about 41 years,
S/o-Baidhar Sahoo,
Plot No.609,Sector-III,Niladri Vihar,
Chandrasekharapur,Bhubaneswar,
Dist-Khurda.

... Petitioner

... Versus...

Seema Sahoo, aged about 32 years,
W/o-Satyananda Sahoo,
D/o-Premanda Sahoo,
At-Bijipur,PO-Sankheswar,PS-Tirtol,
Dist-Jagatsinghpur,
At present working as Pharmacist,Kanimula,
Primary Health Centre, Kanimul, P.O.-Narijanga,
P.S.-Tirtol,Dist-Jagatsinghpur.

... Respondent

Date of Argument : 13.07.2015

Date of Judgment: 14.07.2015

J U D G M E N T

The petitioner-husband, Satyanada Sahoo has filed this application under Section 9 of the Hindu Marriage Act, 1955 (in short the Act, 1955) read with Section 7 of the Family Courts Act, with prayer for restitution of his conjugal rights with the respondent-wife, Seema Sahoo.

2. The facts of the case of the petitioner are that he married to the respondent as per Hindu Custom and rites on 05.12.2011 and out of their wedlock a female child was born in the year 2013. According to the petitioner, after marriage, the father of respondent persuaded him to stay in his house in order to grab his salary. On 05.01.2014 her father came to his house and took

away the respondent to his house stating that she would return after 15 days and while leaving she has taken all her gold ornaments with her. It is further averred by the petitioner that when the respondent did not his home within the stipulated period, he went to the parental home of the respondent to bring her back but he was threatened by the father of the respondent. On 01.07.2014 he approached before the local Sarpanch to settle the matter but neither the respondent nor her father turned up for compromise. According to the petitioner the respondent on the pep-talk of her father deserted him since 25.09.2014. Thereafter several attempts have been made from his side to her bring her back but all were in vain. Finding no other alternative, he has filed this present proceeding for restitution of conjugal right.

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 chose 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 on 05.12.2013 and out of their wedlock a female child was born in the year 2013. Therefore, it is established that the respondent is the legally married 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 on 25.09.2014 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, 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 14th day of July, 2015.

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BHUBANESWAR.

Witnesses examined for the petitioner:

P.W.1 Sri Satyananda Sahoo

Witnesses examined for the respondent:

None

List of documents by petitioner:

Nil

List of documents by respondent:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.

