

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

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

Civil Proceeding No. 669 of 2011

Puspalata Sahoo, aged about 25 years,
W/o- Narendra Sahoo,
Resident of At/P.O.-Gurujanga, (Tangisahi),
P.S.-Dist-Khurda,
At present-C/o-Golakh Chandra Sahoo,
Manhisakhal, P.O.-BJB Nagar,
P.S.-Baragarh, Dist-Khurda.

... Petitioner

... Versus...

Narendra Sahoo, aged about 37 years,
S/o-Late Udyanath Sahoo,
Resident of At/P.O.-Gurujanga (Tangisahi),
P.S./Dist-Khurda.

... Respondent

Date of argument : 08.08.2014

Date of order : 20.08.2014

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 she is the legally married wife of the respondent and their marriage was solemnized at Nuagaon in the Anlei Thakurani Temple of Khurda District as per Hindu rites and customs on 31.05.2010. At the time of marriage, her mother had given cash of Rs.40,000/- towards dowry along with gold ornaments and valuable articles. After marriage, both the parties stayed together and consummated their marital life in the house of the respondent. After one month of the marriage, the respondent and his family members assaulted and ill-treated the

petitioner on demand of additional dowry and tortured her both physically and mentally and did not provide food and clothing. She has further stated that on 13.10.2010, her mother along with other relatives and villagers went to the house of the respondent to settle the matter but the respondent and his family members after misbehaving them forcibly driven out from his house. Since the torture on her became unbearable, she reported the matter before the IIC Khurda Police Station and a discussion on 23.11.2010. On 05.12.2010 after deliberation the matter was settled and the respondent took the petitioner to his house with assurance not to repeat torture on the petitioner. Again the respondent and his family members tortured the petitioner and threatened to kill her. It is further alleged that on 13.02.2011, the respondent removed the petitioner from his house for demanding more dowry and refused to lead conjugal life. 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 petitioners in order to prove her case she, herself, examined as P.W. 1.

7. The petitioner in her evidence has supported the facts as stated in his petition and has stated that the respondent deserted her since 13.02.2011. She has further stated that the respondent and his family members tortured her both mentally and physically on demand of more dowry. Since the torture became unbearable, she reported the matter before IIC Khurda P.S. and later on the matter was subsided. But again the respondent and his family members tortured her both mentally and physically and deserted her. 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 on demand of additional dowry and deserted her since 13.02.2011. The conduct of the respondent towards the petitioner is not decent, which clearly proves that the petitioner has not voluntarily left the matrimonial house without any rhyme and reason and the petitioner has well proved that the respondent did not cooperate 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 20th day of August, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioner:

P.W.1 Pusalata Sahoo

Witnesses examined for the respondent:

None

List of documents by petitioner:

Nil

List of documents by respondent:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.