
(2023) 05 OHC CK 0159
In the Orissa High Court
Case No : MATA No. 15 Of 2021

Babita Patra @ Babi

APPELLANT

Vs

Manoranjan Nayak @ Pintu

RESPONDENT

Date of Decision : 10-05-2023

Acts Referred:

Contract Act, 1872 — Section 23

Citation : (2023) 05 OHC CK 0159

Hon'ble Judges : S. Talapatra, J;Savitri Ratho, J

Bench : Division Bench

Advocate : S.K. Rout, Braja Kishore Panda

Final Decision : Partly Allowed

Judgement

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. S.K. Rout, learned counsel appearing for the appellant as well as Mr. Braja Kishore Panda, learned counsel appearing for the respondent.
3. Today, a joint affidavit has been filed in the proceeding by laying down the terms and conditions of the settlement that has been arrived at between the appellant and the respondent.
4. It has been asserted in the joint affidavit that at the intervention of the well-wishers and in order to put an end to the litigation, the parties have agreed to settle their matrimonial discord.
5. The appellant will not insist the challenge against the decree of divorce dated 27.01.2021 delivered in C.P. No.418 of 2017 passed by the Judge, Family Court, Cuttack. According to them, the decree of divorce be affirmed.
6. It has also been agreed that the respondent namely Manoranjan Nayak shall pay a sum of Rs.3,00,000/- (Rupees three lakhs) as the permanent alimony to the appellant, Smt. Babita Patra @ Babi within the time frame as would be decided by this Court.

7. It has been further decided that the said amount shall be paid by Demand Draft.

8. We have scrutinized the terms and conditions. Those are not hit by Section-23 of the Indian Contract Act. We do not find any other impediment in accepting the settlement. As such, we affirm the decree of divorce passed by the Judge, Family Court, Cuttack, by dissolving the marriage that was solemnized between the parties on 07. 06.2015.

9. We direct the respondent, Manoranjan Nayak @ Pintu, to pay a sum of Rs.1,00,000/- (Rupees one lakh), out of the permanent alimony, within a period of four weeks from today and the rest of the amount i.e. Rs.1,00,000/- shall be paid within a period of eight weeks from today. All payments shall be made by Demand Draft, drawn in the name of the appellant.

10. Consequently, this appeal is partly allowed.

11. The Registry is directed to draw the decree accordingly.

12. The joint affidavit filed in the form of Interlocutory Application today, i.e. 10.05.2023, shall form part of the decree.

.....