

ITEM NO.53

COURT NO.5

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.10446/2025

[Arising out of impugned final judgment and order dated 10-09-2024 in MATA No. 129/2018 passed by the High Court of Orissa at Cuttack]

DEEPAK KUMAR BEHERA

Petitioner(s)

VERSUS

SUCHISMITA BEHERA

Respondent(s)

[TO BE TAKEN UP IN THE COMMITTEE ROOM IN THE SECOND SESSION]

[MEDIATION REPORT RECEIVED]

(IA No. 84019/2025 - EXEMPTION FROM FILING O.T.)

Date : 01-10-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Mr. Deepak Kumar Behera

Mr. Naresh Kumar- 1271, AOR

Mr. Gautam Kumar Laha, Adv.

Mr. Santosh Kumar Mishra, Adv.

For Respondent(s) : Ms. Jahnavi Taneja, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Leave granted.

2. The appellant is aggrieved with the refusal of the Trial Court to grant him divorce for reason of the appellant having not proved that the respondent was guilty of desertion. The High Court by the impugned order confirmed the decision of the Trial Court.

Signature Not Verified

Digitally signed by
VISHAL ANAND
Date: 2026.10.05
16:56:29 IST
Reason:

The appellant was married to the respondent in the year 2012. The appellant asserts that the marriage lasted only for six months and then they separated. Since then, or even before, the appellant alleges that there was no conjugal relationship between the couple

and the respondent had eventually deserted him. The respondent, on the other hand, contended that they fell in love and got married and for three years, they had lived without any problems. It is due to the recalcitrant attitude of the appellant that she had to leave the matrimonial home and even now she is ready to go back.

4. Considering the long separation, we were apprehensive whether any useful purpose would be served in continuing the relationship, hence we directed the parties to remain present before us for interaction in the Committee Room. Today, when the matter was called, we were informed that the appellant is present in person and the respondent is available online.

5. We heard the learned counsel for the appellant and the learned Amicus Curiae for the respondent.

6. The learned Amicus Curiae on behalf of the respondent asserted that the respondent is willing to go back to resume the relationship. However, the learned counsel for the appellant submits that there could be no matrimony continued.

7. We interacted with the appellant and the respondent separately. We were of the definite opinion that there is irretrievable breakdown of the marriage, despite the fact that the respondent was insisting to resume the relationship. There are no children in the wedlock and in the facts and circumstances, it is befitting that the parties be left to live their lives separately.

8. Now, the only question before us was with respect to the alimony payable. The appellant is employed as a Manager (Mining) in the Coal India Limited. The appellant submits that he had already paid Rs.15 lakhs to the respondent and he is willing to pay a lumpsum amount of Rs.15 lakhs more for an amicable separation. The appellant also points out that he has been facing multiple issues due to his ailing parents, one of them, his father, having passed away recently after a prolonged illness. His mother is also bedridden, and he is taking care of her.

9. The appellant, on our persuasion was inclined to raise the amount of alimony to Rs.20 lakhs, but we are of the opinion that Rs.25 lakhs should be paid to the respondent-wife by the appellant.

The appellant seeks three months' time for payment of the said amount.

10. In such circumstances, we are inclined to grant the said period to the appellant for deposit of the amounts directed by us; on deposit of which, we could invoke Article 142 of the Constitution of India to dissolve the marriage between the parties on the ground of irretrievable breakdown of marriage. Only to facilitate the deposit and disbursal of the amount to the respondent, we direct the appellant to deposit Rs.25 lakhs before the Registry of this Court within a period of three months.

11. Post the matter on 05.01.2027 at 3.30 p.m. in the Committee Room as part-heard.

(VISHAL ANAND)
DEPUTY REGISTRAR

(POOJA SHARMA)
COURT MASTER (NSH)