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IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No.53 of 2009

Pranati Mishra *Appellant*
Mr. A.K. Panda, Advocate
-versus-
Sri Chandra Sekhar Tripathy *Respondent*
Mr. S.C. Dash, Advocate

**CORAM:
THE CHIEF JUSTICE
JUSTICE K.R. MOHAPATRA
JUSTICE S.K. PANIGRAHI**

**ORDER
26.09.2023**

Order No.

17. 1. Heard Mr. A.K. Panda, learned counsel appearing for the Appellant and Mr. S.C. Dash, learned counsel appearing for the Respondent.
2. This reference has been made to the larger Bench to lay down a procedure for management of the deposit made in the Family Courts or the matrimonial courts. By the order dated 30th August 2023 passed in the present appeal being MATA No.53 of 2009 titled as *Pranati Mishra v. Chandra Sekhar Tripathy*, a Division Bench of this Court has observed as follows:

“This Court records the submission of Mr. Dash, learned counsel for the Respondent-Husband that

the Respondent-Husband is ready and willing to provide further a sum of Rs.3,50,000/- (Rupees Three Lakh Fifty Thousand) by the next date. Let the Respondent-Husband herein also deposit this amount by way of Demand Draft in the name of Wife-Appellant herein considering the Appeal is now confined to only permanent alimony aspect.”

3. In several other orders, we have noticed that divergent directions are being made in respect of the mode of deposit. We lay down the procedure of making the deposit and the management of deposit till the settlement or the final judicial order by which, entitlement and interest component of the deposit is mutually agreed or determined. Where there could not be any settlement between the parties, the Courts shall not accept any deposit in the name of either of the parties. In such event, the deposit shall be made in the name of the concerned Family Court or the matrimonial court. Even after the final order is passed in the proceeding, the parties may file an application of settlement. The Family Court or the matrimonial court can release the amount in favour of either of the parties. But, when there is no settlement or agreement, the Family Court or the matrimonial court, as we repeat, shall not accept any deposit in the name of the parties. Deposits shall be made in the name of the court. The

deposit be managed in a nationalized bank in the term deposit, which would bring or derive maximum interest and for such period as would be decided by the said court, with flexible locking up. After the dispute is finally settled or adjudicated by virtue of the order of the concerned court or the Family Court or the matrimonial court, the said amount shall be released with the accrued interest. For this purpose, the Family Court or the matrimonial court shall open a special account following the procedure as followed presently by the Motor Accident Claims Tribunal.

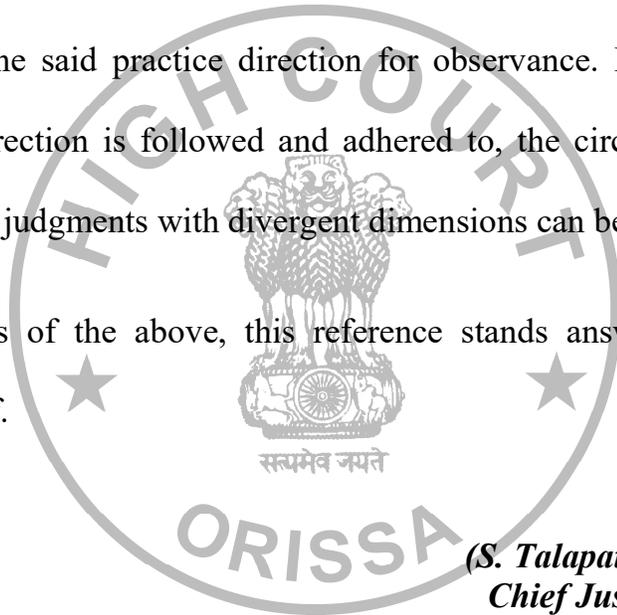
4. Before we part with the records, we would like to note that two conflicting orders by the same Division Bench are brought to our notice. One has been marked for circulation to the Family Courts and the matrimonial courts. Such irreconcilable directions might generate confusion. Hence, this reference has been made to the larger Bench for laying down the efficient and beneficial mode for management of deposits in the matrimonial or maintenance suit etc.

5. For circulation of the judgment, a practice direction has been adopted by the Standing Committee of Orissa High Court. The said practice direction stands as follows:

“It is further resolved that in case it is found desirable by any Hon’ble Judge that the judgment is in any case is required to be circulated, instead of passing judicial order regarding circulation thereof, the matter may be brought to the notice of the Chief Justice on the administrative side for doing the needful.”

6. The extract of the said resolution was circulated. As the said resolution is not available in accessible records, we have extracted the said practice direction for observance. If the said practice direction is followed and adhered to, the circulation of the various judgments with divergent dimensions can be avoided.

7. In terms of the above, this reference stands answered and disposed of.



***(S. Talapatra)
Chief Justice***

***(K.R. Mohapatra)
Judge***

***(S.K. Panigrahi)
Judge***