



IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No.44 of 2026

Harapriya Nath & another* *Petitioners

Mr. S. R. Patra, Advocate

-versus-

Ajay Kumar Nath* *Opposite Party

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

27.07.2026

Order No.

IA No.263 of 2026

- 03.** This matter is taken up through hybrid mode.
- 2.** The IA stands dismissed as withdrawn.

(S.K. Mishra)
Judge

RPFAM No.44 of 2026 & IA No.55 of 2026

- 04.** 1. This IA has been filed for change of nomenclature from RPFAM to CRLMP, as pointed out by the office. However, it is submitted at the Bar that, since the impugned order dated 26.08.2025 was passed in CRP No.268 of 2019, vide which the application filed under Section 125 Cr.P.C. was dismissed for non-prosecution, the Petitioners ought to have moved before the learned Court below under Section 126 (2) Cr.P.C. for setting aside the impugned exparte order or should have preferred a Criminal Misc. Case under 482 Cr.P.C. Therefore, the



CRLMP is also not maintainable, as pointed out by the Stamp Reporter.

2. Accordingly, learned Counsel for the Petitioners prays for withdrawal of the present revision petition with liberty to approach the learned Judge, Family Court, Bhadrak in CRP No.268 of 2019 under Section 126 (2) Cr.P.C. for restoration of said CRP. He files a memo to the said effect in the Court, which be kept on record.

3. In view of such submission made by learned Counsel for the Petitioners, the RPFAM is disposed of as withdrawn, with liberty as prayed for.

4. It is made clear that, if such an application is moved before the learned Court below in CRP No.268 of 2019 within two weeks hence, the learned Court below shall do well to deal with and dispose of the said application in accordance with law.

5. IA No.55 of 2026 also stands disposed of accordingly.

6. Urgent certified copy of this order be granted on proper application.

7. Petitioners are also given liberty to utilize digitally signed copy of this order, available on the website of this Court, for purpose of communication to the learned Court below.

(S.K. Mishra)
Judge

Signature Not Verified

Digitally Signed
Signed by: MONALISA SWAIN
Reason: Authentication
Location: High Court of Orissa
Date: 28-Jul-2026 15:15:05

