

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No.5 OF 2022

Suresh Chandra Nayak ***Petitioner***

Mr. Dipti Ranjan Bhokta, Advocate

-versus-

Sanghamitra Mohapatra and another ***Opp. Parties***

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

08.12.2022

Order No.

3.
 1. This matter is taken up through hybrid mode.
 2. The Petitioner in this RPFAM seeks to assail the order dated 26th October, 2021 (Annexure-1) passed by learned Judge, Family Court, Nabarangpur in Cr.P. No.32 of 2019, whereby he has been directed to pay Rs.5,000/- per month to Opposite Party No.1 and Rs.10,000/- per month to Opposite Party No.2 from the date of application i.e. from 11th September, 2019.
 3. It is submitted by Mr. Bhokta, learned counsel for the Petitioner that Opposite Party No.1 had also filed a Civil Proceeding (C.P. No.13 of 2019) under Section 13(1) of Hindu Marriage Act, 1955. The said application was heard on 26th October, 2021 and the judgment was pronounced on 30th October, 2021 dissolving the marriage by a decree of divorce and awarding permanent alimony of Rs.7,00,000/- to Opposite Party No.1. Permanent alimony has already been paid to Opposite Party No.1. Since the criminal proceeding was heard on 25th October, 2021 i.e. before delivery of judgment in Civil Proceeding, the said fact could not be brought to the notice of

learned Judge, Family Court, Nabarangpur. He, however, submits that the Petitioner has a remedy under Section 127(3) of Cr.P.C. to seek for alteration/cancellation of the order of maintenance. In that view of the matter, he prays for withdrawal of the RPFAM to avail the remedy under the Cr.P.C. before learned Judge, Family Court, Nabarangpur.

4. In view of such submission, this RPFAM is disposed of as withdrawn.

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

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