

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM NO. 95 OF 2015

Tuna Moharana

.....

Petitioner

Mr. Sanjay Kumar Mohanty, Advocate

-versus-

Namita Moharana

....

Opp. Party

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

25.07.2022

Order No.

9. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this RPFAM seeks to assail the order dated 5th April, 2014 passed in Criminal Proceeding No. 141 of 2012, whereby learned Judge, Family Court, Puri allowed an application filed by Opposite Party under Section 125 Cr.P.C. *ex parte* directing the Petitioner to pay a sum of Rs.10,000/- per month towards maintenance from the date of the said order.
3. Since the Petitioner has a remedy under proviso to Section 126(2) Cr.P.C. to seek for a direction for setting aside the *ex parte* impugned order, I am not inclined to entertain the RPFAM.
4. Accordingly, the RPFAM is disposed of with an observation that the Petitioner, if so advised, may file an application under proviso to Section 126(2) Cr.P.C. praying, inter alia, to set aside the *ex parte* impugned order. If such an application is filed within a period of two weeks hence along with certified copy of this order, learned Judge, Family Court, Puri while considering the petition for condonation of delay shall

also take into consideration the pendency of RPFAM before this Court from 17th July, 2015 till date along with other grounds.

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

(K.R. Mohapatra)
Judge

bks

