

IN THE HIGH COURT OF ORISSA AT CUTTACK
RPFAM No. 152 OF 2015

Soumya Prakash Dalua and others

Petitioners
None

-versus-

Smruti Lekha Behera and another

.... Opp. Parties
Mr. Janmejaya Ray, Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
01.08.2022

Order No.

- 12.
1. This matter is taken up through hybrid mode.
 2. None appears for the Petitioners at the time of call.
 3. This RPFAM has been filed assailing the order dated 17th August, 2015 (Annexure-2) passed by learned Judge, Family Court, Bhubaneswar in Criminal Proceeding No.26 of 2015.
 4. On perusal of the impugned order, it appears that due to non-appearance of the Petitioners, the criminal proceeding was disposed of ex-parte. Since the order impugned herein has been passed ex-parte, the Petitioners have a remedy under proviso to Section 126 (2) Cr.P.C. for setting aside the ex-parte order.
 5. As none had appeared on behalf of the Petitioners to pursue the matter, the RPFAM is dismissed for non-prosecution.
 6. The interim order dated 11th November, 2016 passed in Misc. Case No.140 of 2016 stands vacated.

(K.R. Mohapatra)
Judge