

IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No.18 of 2019

Sri Dibya Ranjan Das

.....

Appellant

Mr. P.K. Mallik, Advocate

-versus-

Smt. Banita Patra

.....

Respondent

Mr. B.Parida, Advocate

CORAM:

JUSTICE S. TALAPATRA

JUSTICE M.S. SAHOO

ORDER

21.07.2022

Order No.

13.

1. This matter is taken up through hybrid mode.
2. It has been stated by Mr. B. Parida, learned counsel appearing for the Respondent that no maintenance has been paid by the Appellant.
3. In the order dated 16.03.2021 in I.A. No.139 of 2019, this Court was persuaded to observe as follows:

“Considering the submission of the learned counsel for the respondent-wife, this Court is of the opinion that as the respondent wife is residing separately with her minor son who is a school going child aged about 8 years and is fully dependent on her mother, on the other hand, the appellant husband is a Central Government employee, this Court grants Rs.15,000/- per month as interim maintenance to be given by the appellant-husband to the respondent wife and her minor son. The appellant-husband is directed to pay Rs.15,000/- (Rupees Fifteen Thousand) per month as interim maintenance to the respondent-wife by the first week of every month which starts from March, 2021. It is also directed that the

arrear maintenance of March, 2021 shall be paid by the appellant-husband to the respondent-wife by 7th of April, 2021.”

4. According to Mr. Parida, even not a small amount has been paid out of the arrear maintenance and no money has been paid on account of the current maintenance.

5. By the orders dated 28.06.2022 and 07.07.2022, this Court has observed that, if the arrear maintenance and the litigation expenses are not paid, this Court would scrap the right of audience of the Appellant.

6. No payment has been made in terms of the above direction. Even there is no meaningful representation today for the Appellant. In view of this, we are of the considered opinion that this appeal must fail for non-prosecution and accordingly, the same stands dismissed.

7. The Respondent is at liberty to pursue or realise the claim of maintenance in the appropriate forum.

8. Mr. P.K. Mallik, learned counsel appearing for the Appellant has rued that the Appellant has not been responding even after copies of the orders passed by this Court were sent.

(S. Talapatra)
Judge

(M.S. Sahoo)
Judge