

IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No. 27 of 2020

Dhananjay Nath

.....

Appellant

Mr. S.K. Mishra, Advocate

-versus-

Smt. Debasmita Biswal @ Nath

Respondent

Mr. N. Lenka, Advocate

CORAM:

JUSTICE S. TALAPATRA

JUSTICE B.P. ROUTRAY

ORDER

05.07.2022

Order No.

06.

1. This matter is taken up through hybrid mode.
2. Mr. S.K. Mishra, learned counsel appearing for the Appellant has submitted that by the order dated 31.03.2022, the delay of 214 days, which occurred in filing the present appeal, has been condoned. But it would be evident that, the order of condonation was “subject to payment of cost of Rs.10,000/0 (rupees ten thousand) by the Appellant-husband to the Respondent-wife within a period of two weeks from today.” There is no dispute that no such payment, in compliance of the said order dated 31.03.2022 has been made.
3. Mr. Mishra, learned counsel appearing for the Appellant has submitted that despite his several communications, the Appellant did not come forward to deposit the said amount, payment which is the condition of precedent for condonation of delay.

4. In view of this, we are compelled to recall the order dated 31.03.2022 and reject the prayer for condonation. Hence, the appeal being barred by limitation stands dismissed.

5. Mr. N. Lenka, learned counsel appears for the Respondent.

(S. Talapatra)
Judge

(B.P. Routray)
Judge

Murmu

