

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No. 55 OF 2020

Baidyanath Bhoi

..... Petitioner

Mr. Diptendu Sundar Ray, Advocate

-versus-

Sangita Bhoi and another

..... Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

28.09.2022

Order No.

RPFAM No. 55 OF 2020

& I.A. No.303 of 2022

01. 1. This matter is taken up through hybrid mode.
2. This is an application for condonation of delay of nine years seventeen days in filing the RPFAM, as pointed out by the S.R.
3. On perusal of the impugned order dated 3rd November, 2010 passed by learned Judge, Family Court, Balasore in Criminal Proceeding No.1278 of 2010, it appears that an application under Section 125 Cr.P.C. filed by the Opposite Parties was allowed *ex parte* directing the Petitioner to pay monthly maintenance of Rs.3,000/- to both the Opposite Parties from the date of application i.e. from 19th February, 2010.
4. In course of hearing, Mr. Ray, learned counsel for the Petitioner prays for withdrawal of the RPFAM to avail remedy under proviso to Section 126(2) Cr.P.C.
5. In view of the above, this RPFAM is disposed of as withdrawn with an observation that while considering the delay in filing the application, if any, for setting aside the *ex parte*

order, learned Family Court shall take into consideration the pendency of the RPFAM before this Court from 19th February, 2020 till date along with other grounds.

6. It is made clear that this Court has not expressed any opinion on the merits of the case of the Petitioner.

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

(K.R. Mohapatra)
Judge



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