

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No. 58 OF 2019

Nrusingha Parida and others* *Petitioners

Mr. L.N. Rayatsingh, Advocate

-versus-

Kukuma Parida* *Opp. Party

Mr. Ranjan Kumar Pradhan, Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

06.09.2022

Order No.

RPFAM No. 58 OF 2019

& I.A. No.119 of 2019

4. 1. This matter is taken up through hybrid mode.
2. The Petitioners in this RPFAM seek to assail the order dated 16th May, 2011 (Annexure-1) passed in CRP No.1013 of 2010, whereby learned Judge, Family Court, Puri while allowing the application *ex parte* filed by the Opposite Party directed each of the Petitioners to pay maintenance @ Rs.1,000/- per month to the Opposite Party from the date of filing of application i.e. from 26th July, 2010.
3. Registry has pointed out that there is delay of 2756 days in filing the RPFAM. On perusal of the petition for condonation of delay, it appears that the Petitioners had no knowledge about the impugned order and when the distress warrants were issued, they came to know about the impugned order and have filed this RPFAM.
4. It is submitted by Mr. Rayatsingh, learned counsel that the Petitioners have also filed an application under proviso to

Section 126(2) Cr.P.C. to set aside the *ex parte* order, which is pending for consideration.

5. In that view of the matter, the RPFAM deserves no consideration. The delay in filing the RPFAM is also not explained properly.

6. Taking into consideration the unexplained inordinate delay in filing the RPFAM, I am not inclined to entertain the I.A. for condonation of delay.

7. Accordingly, the I.A. stands dismissed. Consequently, the RPFAM stands dismissed.

8. The interim order dated 14th August, 2019 passed in I.A. Nos.119 and 121 of 2019 stands vacated.

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

(K.R. Mohapatra)
Judge

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