

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM NO. 15 OF 2021

Biswajit Panda

.....

Petitioner

Mr. Samarendra Pattanaik, Advocate

-versus-

Madhusmita Pani

....

Opp. Parties

Miss Deepali Mohapatra, Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

28.07.2022

Order No.

- 19.
1. This matter is taken up through hybrid mode.
 2. Although this matter is listed for orders, on consent of learned counsel for the parties, the same is taken up for final disposal.
 3. The Petitioner in this RPFAM seeks to assail the order dated 25th November, 2019 passed by learned Judge, Family Court, Jajpur in Cr.P. No. 47 of 2018, whereby he allowed an application under Section 125 Cr.P.C. filed by Opposite Party and directed the Petitioner to pay a sum of Rs.8,000/- as maintenance per month to the Opposite Party from the date of application, i.e. on 23rd March, 2018.
 4. Since the Petitioner has remedy under proviso to Section 126(2) Cr.P.C. to get the *ex parte* order set aside, I am not inclined to entertain the RPFAM.
 5. Accordingly, the RPFAM is disposed of with an observation that the Petitioner, if so advised, may move an application under proviso to Section 126(2) Cr.P.C. to get the *ex*

parte order set aside. In that event, learned Judge, Family Court, Jajpur while considering the petition for condonation of delay shall take into consideration the period of pendency of RPFAM before this Court from 1st March, 2021 till date along with other grounds.

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

(K.R. Mohapatra)
Judge

bks

