

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**RPFAM No. 46 OF 2022**

***Laxmikanta @ Madan Panda*** .... ***Petitioner***

Mr. Dibya Jyoti Sahoo, Advocate

*-versus-*

***Santilata Panda*** .... ***Opp. Party***

Ms. Subhalaxmi Devi, Advocate

**CORAM:  
JUSTICE K.R. MOHAPATRA**

**ORDER  
22.12.2022**

**Order No.**

4.        1.        This matter is taken up through hybrid mode.
2.        The Petitioner in this RPFAM seeks to assail the order dated 22<sup>nd</sup> January, 2022 passed by learned Judge, Family Court, Balasore in Criminal Proceeding No.421 of 2016, whereby the Petitioner has been directed to pay maintenance @ Rs.4,000/- per month to the Opposite Party.
3.        This Court while entertaining an application for stay of operation of the order dated 16<sup>th</sup> September, 2015 under Annexure-2 series passed the following order on 8<sup>th</sup> December, 2022:

*“4.        I.A. No.56 of 2022 has been filed to stay operation of the order dated 16<sup>th</sup> September, 2015 (Annexure-2 series) passed by learned Judge, Family Court, Balasore in Cr.P. No.68 of 2011. However, Mr. Bose, learned counsel for the Petitioner submits that in the meantime, the Opposite Party has filed Execution Case No.192 of 2016 for implementation of the impugned order under Annexure-2 series. It is his submission that the arrear amount would be Rs.3,00,000/- and odd, but he has already paid the Opposite Party a sum of Rs.70,000/- in the meantime. It is also submitted that the Petitioner is ready and willing to pay*

*Rs.1,00,000/- to the Opposite Party by 21<sup>st</sup> December, 2022.*

*5. On such deposit being made by 21<sup>st</sup> December, 2022, further proceeding in Execution Case No.192 of 2022 pending before learned Judge, Family Court, Balasore shall remain stayed till the next date and the amount so deposited shall be released in favour of the Opposite Party immediately.”*

4. Mr. Sahoo, learned counsel for the Petitioner submits that the said order has not yet been complied with. He, however, prays for withdrawal of the RPFAM.

5. Since the Opposite Party has already entered appearance and contested the case and the Petitioner has not complied with the interim order dated 8<sup>th</sup> December, 2022, this Court allows the prayer of the Petitioner for withdrawal of the RPFAM subject to payment of cost.

6. Accordingly, this RPFAM is dismissed as withdrawn with a cost of Rs.5,000/- (Rupees Five Thousand) to the Opposite Party be recovered from him in Execution Case No.192 of 2016 pending before learned Judge, Family Court, Balasore.

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

**(K.R. Mohapatra)**  
**Judge**

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