

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No. 50 OF 2022

Banaja Kumar Parida ***Petitioner***

Mr. Raghunath Singh, Advocate

-versus-

Gayatri Parida and others ***Opp. Parties***

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

**ORDER
03.11.2022**

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this RPFAM seeks to assail the order dated 18th January, 2022 (Annexure-1) passed in Criminal Proceeding No.213 of 2017, whereby learned Judge, Family Court, Berhampur directed him to pay Rs.7,000/- per month to the Opposite Party No.1 (Wife) and Rs.4,000/- per month to each of the Opposite Party Nos.2 and 3 (Children) towards their maintenance including their educational expenses, clothing and other expenses from the date of filing of the petition i.e. from 4th August, 2017.
3. In course of hearing, Mr. Singh, learned counsel submits that the Petitioner is ready and willing to comply with the direction of learned Judge, Family Court, Berhampur (impugned herein). But, due to his financial difficulty, he is not in a position to pay the arrear maintenance at a time. Hence, he prays for fixing easy installments to pay the arrear maintenance. It is his

submission that the Opposite Parties have already initiated execution proceeding for realization of the arrear maintenance and NBW has been issued against the Petitioner.

4. Taking into consideration the submission made by learned counsel for the Petitioner, this Court finds that execution proceeding has already been initiated by the Opposite Parties for realization of the arrear maintenance. Hence, the Petitioner may raise all his grievances with regard to payment of arrear maintenance in the execution proceeding before learned Judge, Family Court. In that view of the matter, I am not inclined to entertain the RPFAM.

5. Accordingly, this RPFAM is disposed of with an observation that the Petitioner, if so advised, may raise his grievance with regard to payment of arrear maintenance before learned Judge, Family Court, Berhampur in the execution proceeding pending before it.

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

(K.R. Mohapatra)
Judge