

IN THE HIGH COURT OF ORISSA AT CUTTACK
RPFAM NO. 51 OF 2022

Bijay Kumar Nath

.... ***Petitioner***
Mr. Pradeep Kumar Das,
Advocate

-versus-

Purna Chandra Nath

.... ***Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

Order No.

ORDER
29.03.2022

1. 1. This matter is taken up through hybrid mode.
2. 2. The Petitioner in this RPFAM seeks to assail the order dated 17th November, 2021 passed by learned Judge, Family Court, Bhadrak in Criminal Proceeding Execution No.107 of 2021.
3. 3. Mr. Das, learned counsel for the Petitioner submits that although vide order dated 12th November, 2021, the case was posted to 20th December, 2021, but on an advance petition filed by the Opposite Party, the matter was taken up on 17th November, 2021 and DW and NBWA was issued against the Petitioner. It is his submission that the Opposite Party has filed a petition under Section 128 Cr.P.C. supported by affidavit to execute the interim order of maintenance. Objection filed by the Petitioner in the execution case has not yet been considered. However, learned Judge, Family Court, Bhadrak without adhering to the principles of law most illegally directed to issue

DW and NBWA against the Petitioner by advancing the date to 17th November, 2021 to which the Petitioner had no knowledge.

4. In course of hearing, Mr. Das, learned counsel for the Petitioner submits that the Petitioner is ready and willing to appear before learned Judge, Family Court, Bhadrak and move the Court to recall the order dated 17th November, 2021.

5. In view of such submission, the RPFAM is disposed of with an observation that if the Petitioner appears before learned Judge, Family Court, Bhadrak and files a petition for recall of the order dated 17th November, 2021, the same may be considered and disposed of in accordance with law.

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

(K.R. Mohapatra)
Judge

bks

