

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM NO. 63 OF 2022

Hema Chandra Behera

....

Petitioner

Mr. N.C. Mohanty, Advocate

-versus-

Kuni Behera and another

....

Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

22.12.2022

Order No.

RPFAM NO. 63 OF 2022
& I.A. NO.437 OF 2022

1. This matter is taken up through hybrid mode.
2. I.A. No.437 of 2022 has been filed for condonation of delay of 141 days in filing RPFAM.
3. Mr. Mohanty, learned counsel for the Petitioner submits that although the RPFAM was filed in time, but due to non-filing of certified copy of the impugned order along with the same, the delay has occurred.
4. This RPFAM has been filed assailing the order dated 24th December, 2021 (Annexure-3) passed in Cr.P. No. 52 of 2019, whereby learned Judge, Family Court, Ganjam posted the matter to 2nd February, 2022 for filing counter by the Opposite Parties and hearing awaiting further payment of Rs.12,300/- by the present Petitioner. The Petitioner also seeks to assail the order dated 23rd March, 2022 passed in the aforesaid criminal proceeding issuing D.W. and conditional N.B.W. of Arrest to the Petitioner.

5. Mr. Mohanty, learned counsel for the Petitioner further submits that for alleged non-payment of maintenance amount pursuant to the direction made in CRP No. 64 of 2017, CRP No. 210 of 2020 has been filed under Section 128 Cr.P.C. for realization of the awarded amount. Learned Judge, Family Court, Ganjam without affording any opportunity to the Petitioner has issued D.W. and conditional N.B.W of Arrest to the Petitioner. It is his submission that the Petitioner has already paid excess amount over and above the awarded amount put to execution.

6. In course of hearing, Mr. Mohanty, learned counsel for the Petitioner prays for withdrawal of RPFAM to move learned Judge, Family Court, Ganjam for appropriate relief.

7. In view of the above, the RPFAM and I.A are disposed of accordingly.

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

(K.R. Mohapatra)
Judge

bks