

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1178 of 2012

***Sanjeeb Mohapatra @ Sanjib Ku.
Mohapatra***

....

Petitioner

-versus-

Debidutta Mohapatra & another

....

Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER

04.04.2022

**Order
No.**

11. 1. This matter is taken up through Hybrid mode.
2. The grievance of the Petitioner is that CMC No.270 of 2011 has been filed by the son of the Petitioner through his aunt, who stated to be 15 years, before the learned S.D.J.M., Bhawanipatna, claiming maintenance of Rs.8000/- from the Petitioner under Section 125 Cr.P.C.
3. It is the case of the Petitioner that the minor son of the Petitioner was not staying at Bhawanipatna but he was staying at Boudh with the Petitioner. The said case was filed indicating that she is in care and custody of his aunt, who is staying at Bhawanipatna.

4. However, during the court of hearing, it is submitted that the Opposite Party No.1 in the meanwhile has become major which appears to be so, inasmuch as when the case was filed in the year 2011 his age was 15 years. A major son is not entitled to maintenance under Section 125 Cr.P.C. as such the proceeding has become infructuous.

5. Therefore, this Criminal Misc. Case stands disposed of with a direction to the court below to find out whether the son of Petitioner has become major in the meanwhile and is not entitled to maintenance under Section 125 Cr.P.C. and dispose of the said proceeding as infructuous.

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

(S. Pujahari)
Judge

PKS