

IN THE HIGH COURT OF ORISSA AT CUTTACK
RPFAM NO. 44 OF 2021

Manik Kumbhar

.... ***Petitioner***

Mr. L.N. Rayat Singh, Advocate

-versus-

Pravati Sahoo

.... ***Opp. Party***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
04.04.2022

Order No.

1. 1. This matter is taken up through hybrid mode.
2. 2. The Petitioner in this RPFAM seeks to assail the *ex parte* judgment and order dated 3rd August, 2017 passed by learned Judge, Family Court, Bhubaneswar in Criminal Proceeding No. 111 of 2016 filed by Opposite Party under Section 125 Cr.P.C.
3. 3. It appears that the Petitioner has not moved the learned Judge, Family Court, Bhubaneswar for setting aside the *ex parte* judgment and order dated 3rd August, 2017 as provided under proviso to sub-section (2) of Section 126 Cr.P.C., before approaching this Court.
4. 4. In that view of the matter, I am not inclined to entertain the RPFAM at this stage.
5. 5. Accordingly, the RPFAM is disposed of with an observation that the Petitioner, if so advised, may move the learned Judge, Family Court, Bhubaneswar to set aside the *ex parte* judgment and order dated 3rd August, 2017 by filing appropriate application.

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

(K.R. Mohapatra)
Judge

bks