

IN THE HIGH COURT OF ORISSA AT CUTTACK
RPFAM No. 119 OF 2022

Pareshnath Mishra

Petitioner

Mr. Manas Chand, Advocate

-versus-

Rosalini Pati and another

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

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER

Order No.

27.06.2022

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this RPFAM prays for a direction to set aside the order dated 7th April, 2022 passed in Cr.P. Execution No.7 of 2021, whereby learned Judge, Family Court, Kendrapara issued DW and Conditional NBW against the Petitioner for realization of arrear interim maintenance of Rs.1,03,000/-.
3. Mr. Chand, learned counsel for the Petitioner submits that in an application filed by the Opposite Parties under Section 125 Cr.P.C. in Cr.P. No.24 of 2017, an interim maintenance of Rs. 2000/- per month was directed to be paid to each of the Opposite Parties in I.A. No.28 of 2017. Due to pandemic of COVID-19, the Petitioner has lost his job and become irregular in making payment for which the arrear has accumulated. However, the Petitioner is making endeavour to clear up the arrear maintenance and is regularly paying reasonable amount out of the arrear maintenance on each date of posting of the case. It is his submission that if easy

installments for payment of arrear maintenance is fixed, the Petitioner can clear the arrear maintenance.

4. It is further submitted by Mr. Chand, learned counsel that the Petitioner shall go on paying regular interim maintenance as per the direction of learned Judge, Family Court, Kendrapara in I.A. No.28 of 2017 (arising out of Cr.P. No.24 of 2017). Hence, he prays for setting aside the impugned order with a prayer to fix easy installment to clear all the arrear maintenance.

4. Taking into consideration the submission of learned counsel for the Petitioner and the nature of prayer made in this RPFAM, this Court feels that an opportunity should be given to the Petitioner to clear the arrear maintenance, taking into consideration the difficulties faced by the Petitioner due to pandemic of COVID-19.

5. In view of the above, this Court while setting aside the impugned order dated 7th April, 2022 directs that in the event, the Petitioner pays a sum of Rs.40,000/-(Rupees forty thousand) to the Opposite Parties within a period of twenty days hence and files an application for fixation of installments for payment of rest of the arrear maintenance, no coercive action shall be taken against him pursuant to the impugned order. It is needless to say that the Petitioner shall go on paying the interim maintenance to the Opposite Parties as directed by learned Judge, Family Court, Kendrapara in I.A. No.28 of 2017 (arising out of 24 of 2017) over and above the arrear maintenance.

6. It is further made clear that if the Petitioner fails to comply with any of the aforesaid direction, learned Judge,

Family Court, Kendrapara will be at liberty to take coercive measure for realization of the same.

7. Since this order has been passed without issuing notice to the Opposite Parties, they are at liberty to pray for variation of the same, if they feel aggrieved.

8. With the aforesaid observation and direction, this RPFAM is disposed of.

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

(K.R. Mohapatra)
Judge



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