IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No. 124 of 2022

Prashant Kumar Maharana ..... ***Petitioner***

Mr.K.C.Rajguru Mohapatra, Advocate

-versus-

Susama Ojha @ Maharana .... ***Opp. Party***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER

Order No. **28.06.2022**

1. 1. This matter is taken up through Hybrid mode.

2. The Petitioner in this RPFAM seeks to assail the order dated 6th April, 2022 (Annexure-6) whereby learned Judge, Family Court, Bhubaneswar directed to issue letter to the DDO of the present Petitioner to comply with the order dated 3rd December, 2016 passed by learned Judge, Family Court, Bhubaneswar in CRP No.88 of 2015.

3. Mr. Rajguru Mohapatra, learned counsel for the Petitioner submits that the Criminal Execution Case No.55 of 2021 is the 2nd round of execution of order passed in CRP No.88 of 2015. It is his submission that pursuant to the direction learned Judge, Family Court, Bhubaneswar the office of the Principal of Government Autonomous College, Rourkela has directed for deduction of a sum of Rs.2,80,000/- from the salary of the present Petitioner @ Rs.20,000/- per month. When the said recovery is going on the Petitioner filed the present Criminal Execution Case No.55 of 2021 for execution of the order for recovery of Rs.1,44,000/- towards maintenance from 11th March, 2019 to 11th March, 2021. It is submitted that such

an application is not maintainable. Further the direction of learned Judge, Family Court, Bhubaneswar is also not sustainable in view of the fact that there is already a direction for recovery of Rs.2,80,000/- from the salary of the Petitioner.

4. Upon hearing learned counsel for the Petitioner and on perusal of record, it appears that on 6th April, 2021, when the matter was taken up, the Petitioner remained absent and did not contest the petition dated 13th December, 2021 (Annexure-3) filed by the Opposite Party. He has also not filed any objection to the same.

5. In that view of the matter, this Court, without expressing any opinion on the merit of submission made by learned counsel for the Petitioner, disposes of the RPFAM with the observation that in the event the Petitioner files an application for recall of order dated 6th April, 2022 along with his objection to the petition dated 13th December, 2021 within a period of ten days hence enclosing certified copy of this order, learned Judge, Family Court, Bhubaneswar shall do well to consider the same and proceed with the matter in accordance with law.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge

s.s.satapathy