

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No. 135 OF 2022

Sarat Chandra Bibhar

....

Petitioner

Ms. Sonali Panda, Advocate

-versus-

Sucharita Pani

....

Opp. Party

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

05.09.2022

Order No.

RPFAM No. 135 OF 2022

& I.A. No.188 of 2022

01. 1. This matter is taken up through hybrid mode.
2. This RPFAM has been filed assailing the *ex parte* order dated 26th March, 2022 (Annexure-4) passed by learned Judge, Family Court, Rayagada in Criminal Proceeding No.90 of 2019 directing the present Petitioner to pay maintenance @ Rs.15,000/- per month to the Opposite Party-Wife from the date of filing of the application i.e. from 18th October, 2019.
3. In course of hearing, Ms. Panda, learned counsel for the Petitioner submits that in view of the proviso to Section 126(2) Cr.P.C., interest of justice will be best served, if the Petitioner files an application to set aside the *ex parte* order of maintenance impugned herein. She, therefore, prays for withdrawal of the RPFAM to move learned Judge, Family Court, Rayagada to set aside the *ex parte* order of maintenance.
4. In view of such submission, this RPFAM is disposed of as withdrawn.

5. Certified copy of the impugned order under Annexure-4 be returned to learned counsel for the Petitioner on substitution of attested photocopy thereof.

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

(K.R. Mohapatra)
Judge

ms

