

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 18915 OF 2022

Lala Pramod Kumar Ray ***Petitioner***
Mr. P.K. Sahoo, Advocate
-versus-
Mamata Ray ***Opp. Party***

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
08.09.2022**

Order No.

2. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the order dated 4th July, 2022 (Annexure-5), whereby learned Judge, Family Court, Bhadrak while issuing notice in I.A. No.22 of 2022 (arising out of Guardian Misc. Case No.9 of 2019) filed by the Opposite Party for setting aside the *ex parte* order, stayed further proceeding of C.P. Execution Case No.4 of 2021 arising out of the aforesaid Guardian Misc. Case.
3. Mr. Sahoo, learned counsel for the Petitioner submits that there is delay of 18 months in filing I.A. No.22 of 2022 and the Opposite Party has not assigned sufficient reason for condonation of delay. Thus, I.A. No.22 of 2022 is not maintainable. Hence, the impugned order under Annexure-5 is liable to be set aside.
4. Taking into consideration the submission made by learned counsel for the Petitioner and on perusal of the record, it appears that learned Judge, Family Court, Bhadrak has only issued notice in I.A. No.22 of 2022 filed for setting aside the *ex*

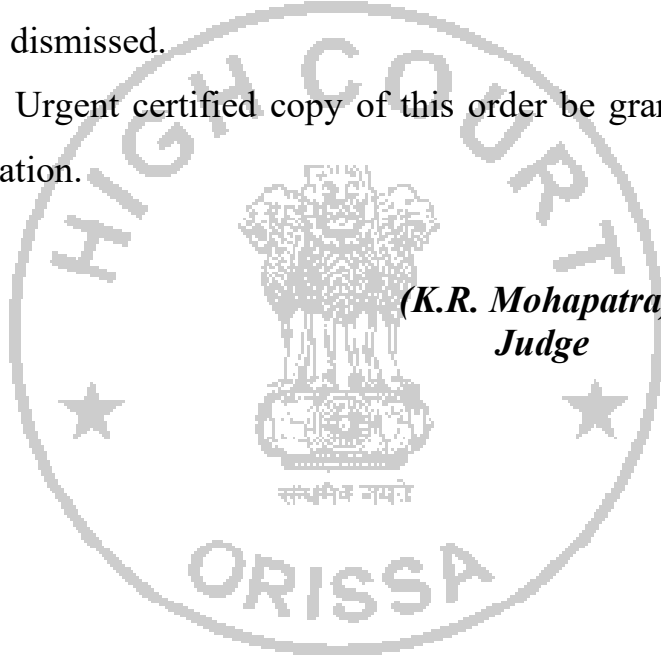
parte order dated 23rd November, 2020 by which Guardian Misc. Case No.9 of 2019 was disposed of. Thus, while issuing notice to the Petitioner in the said I.A., learned Judge, Family Court, Bhadrak stayed further proceeding of the execution case.

5. Hence, I find no infirmity in the impugned order under Annexure-5. The Petitioner pursuant to the notice issued in I.A. No.22 of 2022, may appear and file his show cause, which can be considered in accordance with law.

6. Accordingly, this writ petition being devoid of any merit stands dismissed.

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

(K.R. Mohapatra)
Judge



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