

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM NO. 225 OF 2019

Debakanta Sandha

....

Petitioner

Mr. Jagdeep Sahoo, Advocate on behalf
of Mr. Susant Kumar Baral, Advocate

-versus-

Manasi Manjari Das and another

....

Opp. Parties

Mr. Samir Kumr Mishra, Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

30.09.2022

Order No.

I.A. No. 322 of 2022

12. 1. This matter is taken up through hybrid mode.
2. This is an application for modification of the order dated 25th August, 2022 passed in I.A. No.245 of 2022.
3. Mr. Sahoo, learned counsel for the Petitioner submits that the RPFAM was disposed of vide order dated 14th July, 2022 with the following direction:

“9. On a rough calculation, it appears that arrear maintenance is more than Rs.9,00,000/- as on today. In order to test the bona fide of the Petitioner, this Court disposes of this RPFAM with a direction that in the event the Petitioner deposits a sum of Rs.4,00,000/- (Rupees four lakh) before learned Judge, Family Court, Puri and files an application for recall of the order dated 6th August, 2019 within a period of one month from today and gives an undertaking that he will pay monthly maintenance of Rs.15,000/- to the Opposite Parties as directed in the impugned order regularly, it shall be considered keeping in view the proviso to Section 126(2) Cr.P.C. by affording the parties an opportunity of hearing.

10. It is also open to the Opposite Parties to move learned Judge, Family Court, Puri for fixation of mode of payment of arrear maintenance.

11. With the aforesaid observation and direction, the RPFAM is disposed of.”

4. Subsequently, the Petitioner expressing his difficulty to comply with the order dated 14th July, 2022 passed in RPFAM filed I.A. No.245 of 2022 for modification of the said order. Considering the grievance of learned counsel for the Petitioner, this Court after hearing learned counsel for the parties vide order dated 25th August, 2022 passed the following order:

“5. Upon hearing learned counsel for the parties and realizing the difficulties faced by the Petitioner, this Court disposes of the I.A. with a direction that in the event the Petitioner complies with the order dated 14th July, 2022 by 15th September, 2022, learned Judge, Family Court, Puri shall do well to accept the same and proceed with the matter in accordance with the direction made in the said order.

6. It is made clear that no petition of such nature shall be entertained in future.”

5. It is submitted by Mr. Sahoo, learned counsel that although the Petitioner has made his best endeavour to comply with the aforesaid order, but he could not do so. The Petitioner has only deposited a sum of Rs.2.00 lakh in the meantime. He, therefore, prays that a sympathetic view may be taken extending the time for another eight days to comply with the order dated 25th August, 2022 passed in I.A. No. 245 of 2022.

6. Mr. Mishra, learned counsel for the Opposite Parties vehemently objected to the same and contended that there is no scope to entertain the application for extension of time in view of the specific direction made in the order dated 25th August, 2022

that no petition of such nature shall be entertained in future. In order to harass the Opposite Parties, such types of petitions are being filed time and again. He, therefore, prays for dismissal of the petition with cost.

7. Taking into consideration the rival contentions of the parties and that this Court while disposing of the I.A. No. 245 of 2022 vide order dated 25th August, 2022 had specifically observed that no petition of such nature shall be entertained in future, there is no scope to entertain this application for extension of time to comply with the order dated 25th August, 2022. The Petitioner being well aware of his capacity has made a prayer for extension of time to comply with the order dated 14th July, 2022 and accordingly, this Court vide order dated 25th August, 2022 disposed of I.A. No. 245 of 2022 with the aforesaid direction.

8. In that view of the matter, the application for extension of time to either comply with the order dated 14th July, 2022 or dated 25th August, 2022, is not maintainable. It further appears that the Petitioner has no intention to comply with order dated 14th July, 2022, as modified vide order dated 25th August, 2022. Thus, it is a fit case, where cost should be imposed on the Petitioner for filing frivolous petitions to drag the litigation. However, taking a lenient view, this Court refrains itself from imposing any cost on the Petitioner for wasting of Court's time and abusing the of process of law. The Petitioner is warned to be careful in future.

9. With the aforesaid observation, the I.A. is disposed of.

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

(K.R. Mohapatra)
Judge