

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2274 of 2022

Utkal Keshari Paul

....

Petitioner

Mr. Niranjana Lenka, Advocate

-Versus-

Smt. Susama Paul and another

....

Opposite Parties

None

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

13.09.2022

Order No.

01.

1. Heard learned counsel for the petitioner.
2. Instant petition under Section 482 Cr.P.C. has been filed by the petitioner praying for quashing of the order issuing DW dated 5th January, 2022 passed by the learned J.M.F.C., Jaleswar in Execution Misc. No. 111 of 2020 on the grounds stated therein.
3. It is submitted that the aforesaid execution proceeding has been initiated later to the order of maintenance filed under Annexure-1 whereby learned J.M.F.C., Jaleswar directed the petitioner to pay a sum of Rs.5,000/- per month to the opposite party as a monetary relief which shall be payable within 10th day of each succeeding month. It is submitted to the Court by the learned counsel for the petitioner that such order was by an ex-parte disposal which has been challenged before the learned Sessions Judge, Balasore in Criminal Appeal No.484 of 2020.

4. Since an order of maintenance is directed by learned J.M.F.C., Jaleswar for an amount of Rs.5,000/- and such an order is of the year 2020 whereupon an appeal has been carried and said to be pending before the learned Sessions Judge, Balasore, this Court in the above premises is not inclined to stay the execution proceeding in EM No.111 of 2020. The Court is of the view that the petitioner rather move the court concerned for early disposal of Criminal Appeal No.484 of 2020, wherein, he can also apply for appropriate relief vis-à-vis EM No.111 of 2020 subject to deposit certain amount.

5. With the above observation and considering the submission of learned counsel for the petitioner, the CRLMC stands disposed of with a liberty granted to the petitioner to approach the learned Sessions Court seeking interim relief as against the execution proceeding which shall be considered on merit in presence of opposite party wife subject such conditions including a direction to deposit an amount from the pending arrear dues.

(R.K. Pattanaik)
Judge

I.A. No.1811 of 2022

2.
 1. Learned counsel for the petitioner submits that till a decision is taken by the learned Sessions Judge, Balasore in Criminal Appeal No.484 of 2020, interim protection may be granted in favour of the petitioner.
 2. Having regard to the peculiar facts and circumstances of the case, this Court directs that no coercive action shall be taken against

the petitioner in connection with EM No.111 of 2020 till such time an application is moved against the execution proceeding and appropriate order is passed thereon by the learned Sessions Judge, Balasore.

3. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

U.K.Sahoo

