

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM NO. 186 of 2022

Prabhudatta Panda

....

Petitioner

Mr.S.S.K. Nayak, Advocate

-versus-

Madhusmita Palita and another

....

Opp. Parties

Md. G. Madani, Advocate
(For Opposite Party No.1)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

31.10.2022

Order No.

2. This matter is taken up through hybrid mode.
2. This RPFAM has been filed assailing the order dated 8th August, 2022 (Annexure-4) passed by learned Judge, Family Court, Bhadrak in Cr.P No.199 of 2020, whereby an objection raised by the Petitioner to stay further proceeding in Execution Case filed under Section 128 Cr.P.C. till disposal of the Guardianship Misc. Case No.23 of 2018, has been rejected.
3. In course of hearing, Mr. Nayak, learned counsel for the petitioner submits that the aforesaid execution case has been filed for realization of arrear maintenance in terms of order dated 2nd November, 2019 passed by learned Judge, Family Court, Bhadrak in Cr.P. No.22 of 2017. He, therefore, submits that in view of disposal of RPFAM No.15 of 2020, which was filed assailing the order passed in Cr.P. No.22 of 2017, interest of justice will be best served if the Petitioner is permitted to deposit the arrear maintenance before the Family Court in Cr.P No.199 of 2020 and the Opposite Parties may be allowed to receive the same after taking leave of the Family Court.

4. This Court does not find any justification in the submission, since the Cr.P No.199 of 2020 is filed for execution of the order passed in Cr.P. No.22 of 2017, there should not be any condition for release of arrear maintenance in favour of Opposite Parties. This Court has also dismissed RPFAM No.15 of 2020 by order of the even date, which was filed assailing the order dated 2nd November, 2019 passed in Criminal Proceeding No.22 of 2017. Hence, no interference in the order impugned herein is warranted.

7. Accordingly, the RPFAM stands dismissed.

(K.R. Mohapatra)
Judge



s.s.satapathy