

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 22888 OF 2022

Swarna Prava Panigrahi

....

Petitioner

Mr. Pabitra Kumar Nayak, Advocate

-versus-

***Director of Health and Family
Welfare, Khurda and others***

....

Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel
(For Opp. Party Nos.1 to 3)

Mr. Ashok Das, Advocate
(For Opp. Party No.4)

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

**ORDER
22.12.2022**

Order No.

8. 1. This matter is taken up through hybrid mode.
2. The Petitioner being aggrieved by the inaction of the Medical Officer, Community Health Centre (CHC), Chikiti, Ganjam-Opposite Party No.3 in complying with the Letter No.153 dated 3rd March, 2022 (Annexure-3) issued by learned Judge, Family Court, Berhampur, Ganjam, has filed this writ petition.
3. Mr. Nayak, learned counsel for the Petitioner submits that entertaining an application in C.P. No. 126 of 2010 under Section 24 of the Hindu Marriage Act, 1955, learned Judge, Family Court, Berhampur, Ganjam directed the Opposite Party No.4, namely, Dr. Manoj Kumar Padhy to pay a sum of Rs.3,000/- per month to the Petitioner. Since the Opposite Party No.4 did not comply with the said order, Execution Case No.1 of 2018 has been filed and is pending before learned Family Court, Berhampur. Since the Opposite Party No.4 did not cooperate with the Executing Court in complying with the direction, letter

dated 2nd March, 2020 was issued to the DDO-cum-Medical Officer, Community Health Centre, Chikiti to deduct an amount of Rs.7,000/- per month from the salary of the Dr. Manoj Kumar Padhy-Opposite Party No.4 immediately till realization of Rs.2,39,000/-. Coincidentally, the Opposite Party No.4 is in charge of the DDO-cum-Medical Officer, Community Health Centre, Chikiti. Taking advantage of the situation, the Opposite Party No.4 did not comply with the said letter. Accordingly, this writ petition has been filed.

4. Pursuant to the direction of this Court dated 24th November, 2022, Dr. Manoj Kumar Padhy-Opposite Party No.4 has deposited a sum of Rs.1,00,000/- by way of Demand Draft drawn in favour of the Petitioner before learned Judge, Family Court, Berhampur, Ganjam in Execution Case No.1 of 2018.

5. Mr. Nayak, learned counsel for the Petitioner submits that a further sum of Rs.1,04,000/- (Rupees One Lakh Four Thousand) is still outstanding against the Opposite Party No.4.

6. In that view of the matter, this writ petition is disposed of with a direction that the Opposite Party No.4 shall deposit a sum of Rs.1,04,000/- (Rupees One Lakh Four Thousand) before learned Judge, Family Court, Berhampur, Ganjam in Execution Case No.1 of 2018 in the shape of Demand Draft drawn in favour of the Petitioner within a period of two months hence failing which it shall be construed as the contempt of this Court.

7. With the aforesaid observation and direction, this writ petition is disposed of.

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

(K.R. Mohapatra)
Judge