

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No. 272 OF 2018

Ramakanta Panda

....

Petitioner

Mr. J.K. Mishra, Advocate

-versus-

Pravati Kar and another

....

Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

22.12.2022

Order No.

I.A. No. 20 OF 2019

& RPFAM No. 272 OF 2018

6.
 1. This matter is taken up through hybrid mode.
 2. Mr. Mishra, learned counsel for the Petitioner prays for an adjournment to take instruction with regard to the health condition of the Petitioner.
 3. I.A. No.20 of 2019 has been filed for condonation of delay of two hundred twenty six days in filing the RPFAM.
 4. On perusal of the case record, it appears that this RPFAM has been filed assailing the *ex parte* judgment and order dated 21st February, 2018 (Annexure-2) passed by learned Judge, Family Court, Bhubaneswar in Criminal Proceeding No.39 of 2017, whereby the Petitioner has been directed to pay maintenance @ Rs.3,000/- per month to each of the Opposite Parties from the date of filing of the application i.e. 6th March, 2017.
 5. Since the Petitioner has a remedy under proviso to Section 126(2) Cr.P.C. to seek for setting aside the *ex parte* order, I am not inclined to entertain this I.A. as well as the RPFAM.

6. Accordingly, the I.A. and RPFAM are disposed of with an observation that the Petitioner, if so advised, may move learned Judge, Family Court, Bhubaneswar for setting aside the impugned order under Annexure-2.

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

(K.R. Mohapatra)
Judge

ms

