

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No. 230 OF 2022

Kartik Barik

....

Petitioner

Mr. Surya Narayan Mishra, Advocate

-versus-

Gita Barik and others

....

Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

23.11.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this RPFAM seeks to assail the order dated 27th June, 2022 (Annexure-1) passed by learned Judge, Family Court, Puri in CRP No.51 of 2019, whereby allowing an application under Section 125 Cr.P.C. *ex parte*, the Petitioner has been directed to pay maintenance of Rs.3,000/- per month to Opposite Party No.1 and Rs.1,000/- per month to Opposite Party No.2 with effect from the date of application i.e. from 15th March, 2019.
3. In course of hearing, Mr. Mishra, learned counsel submits that the Petitioner has remedy under proviso to Section 126(2) Cr.P.C. to file an application before learned Family Court to set aside the *ex parte* order. He, therefore, prays for withdrawal of the RPFAM to enable the Petitioner to move learned Judge, Family Court, Puri to set aside the *ex parte* order.
4. In view of such submission, this RPFAM is disposed of as withdrawn.

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

(K.R. Mohapatra)
Judge