

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM NO. 240 OF 2022

Arabinda Samantaray ***Petitioner***

Mr. Subash Chandra Puspalka, Advocate

-Versus-

Pravasini Rout

.... ***Opp. Party***

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

**ORDER
21.10.2022**

Order No.

1. 1. This matter is taken up through hybrid mode.
2. 2. This RPFAM has been filed assailing the ex parte order dated 22nd December, 2014 (Annexure-1) passed by learned Judge, Family Court, Kendrapara in Criminal Proceeding No. 610 of 2010 directing the Petitioner to pay maintenance of Rs. 15,000/ per month to the Opposite Party from the date of application, i.e. 28th September, 2010.
3. 3. In view of proviso to Section 126(2) Cr.P.C., the Petitioner has a remedy to get the ex parte order set aside. Hence, this Court is not inclined to entertain the RPFAM.
4. 4. However, if an application for setting aside the ex parte order is filed under proviso to Section 126(2) Cr.P.C. before learned Judge, Family Court, Kendrapada, he may consider the same in accordance with law.

5. It is made clear that this Court has not expressed any opinion on the merits of the case of the Petitioner.

6. With the aforesaid observation, the RPFAM is disposed of.

7. Certified copy of Annexure-1 shall be returned to the learned counsel for the Petitioner on substitution of attested photocopy thereof.

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

bks

(K.R. Mohapatra)
Judge

