

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 26300 OF 2022

Rabindra Kumar Nayak ***Petitioner***
Mr. Samir Kumar Mishra, Advocate
-versus-
Sipra Behera ***Opp. Party***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
23.12.2022

Order No.

4.
 1. This matter is taken up through hybrid mode.
 2. The Petitioner in this writ petition seeks to assail the order dated 24th September, 2022 (Annexure-4) passed by learned Judge, Family Court, Nayagarh in I.A. No.08 of 2022 (arising out of C.P. No.118 of 2021), whereby allowing an application under Section 24 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by Opposite Party, the Petitioner has been directed to pay *pendente lite* maintenance of Rs. 10,000/- per month to the Opposite Party.
 3. Mr. Mishra, learned counsel for the Petitioner vehemently argued that at present, the Petitioner is jobless as it has been specifically mentioned in his show cause. He also refers to para-5 of the show cause and submits that due to pandemic situation of COVID-19, most of the Engineering Colleges including the Petitioner's College were closed in the year, 2020. Since then, the Petitioner is completely depending upon his father for his livelihood. This material aspect was not taken into consideration

by learned Judge, Family Court, Nayagarh while adjudicating the petition under Section 24 of the Act.

4. In course of hearing, Mr. Mishra, learned counsel for the Petitioner fairly concedes that the Petitioner could not file any document in support of his case, which relates to his continuance in service in KMBB Engineering College, Khurda and his termination. He, therefore, submits that interest of justice will be best served, if the Petitioner files an application to reconsider the petition under Section 24 of the Act. Accordingly, Mr. Mishra, learned counsel for the Petitioner prays for withdrawal of the writ petition.

5. In view of the above, this Court without expressing any opinion on the merits of submission made by learned counsel for the Petitioner disposes of this writ petition as withdrawn.

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

संक्षेपिक न्याय (K.R. Mohapatra)
Judge

bks