

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No. 255 OF 2022

Sk. Sadam @ Sk. Saddam

....

Petitioner

Mr. Arijeet Mishra, Advocate

-versus-

Sahista Taranum

....

Opp. Party

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

23.12.2022

Order No.

2. 1. This matter is taken up through hybrid mode.
2. Order dated 11th August, 2022 (Annexure-2) passed by learned Judge, Family Court, Cuttack in Criminal Proceeding No.154 of 2017 is under challenge in this RPFAM, whereby the Petitioner has been directed to pay maintenance @ Rs.4,000/- per month to the Opposite Party from the date of application i.e. from 26th December, 2017.
3. It is submitted by Mr. Mishra, learned counsel for the Petitioner that the parties to the criminal proceeding belong to Muslim community. They have also filed an application for mutual divorce in C.P. Case No.640 of 2022 under Annexure-4 series. Parties to the RPFAM have agreed upon their mutual divorce on payment of Rs.5,00,000/-. On the date of filing of C.P. Case No.640 of 2022, the Petitioner has paid a sum of Rs.2,00,000/-, from out of the agreed amount for mutual divorce. Subsequently, the Petitioner on 16th September, 2022 also paid a sum of Rs.1,00,000/- to the Opposite Party.

4. Since C.P. Case No.640 of 2022 is still pending before the learned Judge, Family Court, Cuttack for adjudication, this RPFAM is disposed of with an observation that after disposal of the C.P., if any cause of action arises, the Petitioner may move learned Judge, Family Court, Cuttack for variance of the impugned order of maintenance under Section 127 Cr.P.C.

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

(K.R. Mohapatra)
Judge

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