

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3024 of 2022

Ramesh Chandra Sahoo

.... Petitioner
Mr. A.Mishra, Advocate

-Versus-

State of Odisha & others

.... Opposite Parties
Mr. Tapas Kumar Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
04.11.2022

Order No.

- 01.
1. Heard Mr. Mishra, learned counsel for the petitioner and Mr. Praharaj, learned counsel for the State-opposite party No.1.
 2. The present challenge is as to the impugned order under Anneuxre-2 whereby the learned Judge, Family Court, Jajpur issued D.W. and conditional NBW against the petitioner towards realization of maintenance dues amount of Rs. 41,300/- which is pending execution.
 3. Mr. Mishra, learned counsel for the petitioner submits that by the orders of the learned court below, the petitioner was to pay Rs. 5,900/- per month and to clear the arrear dues in ten installments, however, after payment of Rs. 17,300/- in three installments, he defaulted for the rest which stands at Rs. 41,300/- whereafter D.W. and conditional NBW have been issued. It is submitted that the petitioner does not have a sound financial condition to pay the entire amount but if an opportunity is provided to clear the dues he can pay it off.

4. Mr. Mohapatra, learned counsel for the State justifies the impugned order dated 15th September, 2022. The Court perused the impugned order dated 15th September, 2022 in C.R.P. (Execution) Case No. 68 of 2019 wherein the learned Judge, Family Court, Jajpur issued the D.W. and conditional NBW for recovery of an outstanding amount of Rs. 41,300/-,

5. Considering the fact that the petitioner has earlier paid some amount and even partially complied the orders of the learned court below and made payments in three installments for an amount of Rs. 17,700/-, accepting an undertaking of Mr. Mishra on his behalf, the Court is of the view that a further opportunity should be provided to him to clear the dues but subject to deposit of Rs.10,000/- on the date of surrender which shall be paid to opposite party No.2 by the orders of the court below which is to recall the D.W. and NBW with such conditions.

6. Accordingly, it is ordered.

7. In the result, CRLMC stands disposed of with a direction to the petitioner to surrender before the learned court of Judge, Family Court, Jajpur in connection with CRP (Execution) Case No. 68 of 2019 on or before 23rd November, 2022 and in the event he surrenders, the court shall release him on bail subject to such terms and conditions accepting an undertaking to clear the arrear dues in next installments as has been directed besides on a deposit of Rs. 10,000/-payable to opposite party No.2.

8. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge