

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No. 277 OF 2022

Sri Ajay Kumar Adhikari ***Petitioner***

Mr. Prasanta Kumar Satapathy, Advocate

-versus-

Smt. Rashmita Adhikari and another ***Opp. Parties***

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

ORDER

09.11.2022

Order No.

- 01.
1. This matter is taken up through hybrid mode.
 2. The Petitioner in this RPFAM seeks to assail the *ex parte* order dated 9th September, 2022 (Annexure-1) passed by learned Judge, Family Court, Balasore in Criminal Proceeding No.121 of 2017, whereby an application filed by the Opposite Parties under Section 125 Cr.P.C. was allowed directing the Petitioner to pay maintenance @ Rs.1500/- per month to the Opposite Party No.1 (Wife) and Rs.1000/- per month to the Opposite Party No.2 (Daughter) from the date of application i.e. from 17th April, 2017.
 3. In course of hearing, Mr. Satapathy, learned counsel for the Petitioner submits that in view of the proviso to Section 126 (2) Cr.P.C., the Petitioner has remedy to file an application to set aside the *ex parte* order. In that view of the matter, he prays for withdrawal of the RPFAM to avail the statutory remedy.

4. In view of such submission, this RPFAM is disposed of as withdrawn.

5. Certified copy of the impugned order under Annexure-1 be returned to learned counsel for the Petitioner on substitution of attested photocopy thereof.

(K.R. Mohapatra)
Judge

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