

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM NO. 306 OF 2019

Siba Sankar Dash

.....

Petitioner

Mr. Soubhagya Kumar Dash,
Advocate

-versus-

Swagatika Sarangi

....

Opp. Party

None

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

06.05.2022

Order No.

- 11.
1. This matter is taken up through hybrid mode.
 2. The Petitioner in this RPFAM seeks to assail the order dated 6th July, 2017 passed by learned Judge, Family Court, Berhampur in Criminal Proceeding No. 69 of 2016, whereby an *ex parte* order was passed directing the Petitioner to pay a monthly maintenance of Rs.6,000/- to the Opposite Party from the date of filing of the application, i.e. from 4th April, 2016.
 3. In course of hearing, Mr. Dash, learned counsel submits that the Petitioner has a remedy under Section 126(2) Cr.P.C. to file an application to set aside the *ex parte* order.
 4. In view of the above, the RPFAM is disposed of with an observation that if the Petitioner files a petition under Section 126(2) Cr.P.C. within a period of two weeks hence along with certified copy of this order, learned Judge, Family Court, Berhampur shall do well to consider the same in accordance with law, giving opportunity of hearing to the parties concerned. Delay in filing the petition under Section 126(2) Cr.P.C. shall be

construed liberally taking into consideration the pendency of RPFAM before this Court from 18th December, 2019 till date along with other grounds.

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

(K.R. Mohapatra)
Judge

bks

