

IN THE HIGH COURT OF ORISSA AT CUTTACK
RPFAM No. 316 OF 2019

Sri Harikrushna Mohanty

Petitioner

Mr. Bijay Kumar Behera, Advocate

-versus-

Smt. Ranjita Chudhury

.... ***Opp. Part***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
01.08.2022

Order No.

5.
 1. This matter is taken up through hybrid mode.
 2. This RPFAM has been filed assailing the order dated 26th April, 2019 (Annexure-2) passed by learned Judge, Family Court, Berhampur, Ganjam in Cr.P. No.360 of 2017, whereby an application under Section 125 Cr.P.C. has been allowed ex-parte directing the present Petitioner to pay monthly maintenance of Rs.8,000/- to the Opposite Party from the date of filing of the petition i.e. 18th December, 2017.
 3. Since the impugned order has been passed ex-parte against the present Petitioner, he has remedy under the proviso to Section 126(2) Cr.P.C. As such, I am not inclined to entertain this RPFAM.
 4. In that view of the matter, this RPFAM is disposed of with an observation that the Petitioner, if so advised, may file an application to set aside the ex-parte order under Annexure-2 by filing appropriate application. If such an application is filed, learned Judge, Family Court, Berhampur, Ganjam while adjudicating the petition for condonation of delay shall also

take into consideration the pendency of RPFAM before this Court from 30th December, 2019 till date along with other grounds.

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

(K.R. Mohapatra)
Judge

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