

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2347 of 2021

Nirmal Kumar Mallick.

....

Petitioner

-versus-

Sarmistha Biswal.

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER

12.07.2022

Order No.

- 10.
1. This matter is taken up through Hybrid mode.
 2. The petitioner in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) has prayed for quashing of the order dated 07.10.2021 passed by the learned Judge, Family Court, Rourkela in Cr.P. No.18 of 2019 issuing D.W. along with N.B.W. against him.
 3. Heard the learned counsel for the petitioner and the learned counsel for the opposite party.
 4. As it appears, the petitioner did not comply with the order of interim maintenance saddled with him vide order dated 18.09.2017 passed in Cr.P. No.18 of 2019. As such, the opposite party-wife filed a petition to issue DW and NBW

against the petitioner to levy the maintenance ordered. Accordingly, the learned Judge, Family Court, Rourkela vide the impugned order issued the D.W. and N.B.W. against the petitioner. The petitioner challenging the same has come to this Court for quashment of the said on the ground that the opposite party has claimed interim maintenance for the period beyond twelve months.

5. Learned counsel for the opposite party drawing notice of this Court to the impugned order submits that such a contention is contrary to record and, as such, this CRLMC filed challenging the impugned order is devoid of merit and liable to be dismissed.

6. On perusal of the impugned order, as it appears to this Court, the learned Judge, Family Court, Rourkela being alive to the provisions passed the impugned order in respect of the maintenance due for twelve months preceding the date of filing the petition for realization of the interim maintenance, this Court is of the view that the prayer made by the petitioner in this CRLMC is devoid of merit.

7. Accordingly, this CRLMC filed challenging the impugned order being devoid of merit stands dismissed.

(S. Pujahari)
Judge

MRS