

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM NO. 349 OF 2022

Ashutosh Jena

....

Petitioner

Ms. Anima Kumari Dei, Advocate

-versus-

Srutirekha Muduli and another

....

Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

22.12.2022

Order No.

RPFAM NO.349 OF 2022

& I.A. NO.448 OF 2022

1. This matter is taken up through hybrid mode.
2. I.A. No.448 of 2022 has been filed for condonation of delay of 68 days in filing RPFAM.
3. The RPFAM has been filed assailing the *ex parte* order dated 8th July, 2022 (Annexure-3) passed by learned Judge, Family Court, Jagatsinghpur in Criminal Proceeding No.99 of 2021 directing the Petitioner to pay maintenance of Rs.5,000/- per month to the Opposite Party No.1 and Rs.3,000/- per month to the Opposite Party No.2 from the date of application, i.e. 1st December, 2021.
4. Since the Petitioner has a remedy under proviso to Section 126(2) Cr.P.C. to seek for setting aside the *ex parte* order, this Court without entertaining the application filed for condonation of delay disposes of both the I.A. and RPFAM with an observation

that the Petitioner may avail the statutory remedy for setting aside the *ex parte* order impugned herein.

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

(K.R. Mohapatra)
Judge

bks

