

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 35330 OF 2022

Renubala Behera

....

Petitioner

Mr. S. Lokesh Kumar, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. D.K. Mishra,

Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

23.12.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to restrain the Director of Consolidation, Board of Revenue, Odisha, Cuttack and Deputy Director of Consolidation, Kendrapada Range- Opposite Party Nos. 1 and 2 respectively from granting sanction of withdrawal of Non-refundable GPF amount of Rs.6,75,000/- and other dues in favour of the Opposite Party No.4, namely, Prakash Chandra Behera, till disposal of C.P. Execution No. 12 of 2019 pending before learned Judge, Family Court, Cuttack.
3. It is submitted by learned counsel for the Petitioner that due to non-compliance of the order of maintenance passed by learned Judge, Family Court, Cuttack in C.P. No. 165 of 2019, the Petitioner filed C.P. Execution Case No. 12 of 2019, which is pending before learned Judge, Family Court, Cuttack. Vide order dated 22nd February, 2021, learned Judge, Family Court, Cuttack directed the DDO-cum-Addl. Sub-Collector, Kendrapada to deduct

the maintenance amount of Rs.19,782/- per month from the salary of J.Dr.-Opposite Party No. 4. Further, the DDO-cum-Addl. Sub-Collector, Kendrapada was directed to take into consideration the order dated 27th November, 2020 for proper disbursement of claimed maintenance by the present Petitioner. In spite of the same, the Opposite Party No. 4 is making an attempt to receive Non-refundable GPF amount of Rs.6,75,000/- without payment of any maintenance to the Petitioner. Hence, this writ petition has been filed.

4. Since C.P. Execution Case No. 12 of 2019 is still pending before learned Judge, Family Court, Cuttack, the grievance, if any, with regard to payment of maintenance to the Petitioner can be raised in the said execution case for consideration of the grievance of the Petitioner effectively.

5. In that view of the matter, this Court is not inclined to entertain the writ petition.

6. Accordingly, the writ petition is disposed of with the aforesaid observation.

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

(K.R. Mohapatra)
Judge

bks