IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.1767 of 2026

CNR No. ODHC010747542026

Lopamudra Sarangi and another .... ***Petitioner(s)***

Mr. Bhaskar Chandra Panda, Advocate

-versus-

Tushar Ranjan Mishra and others .... ***Opposite Party(s)***

CORAM: JUSTICE SIBO SANKAR MISHRA

ORDER

06.11.2026

Order No.

01. **1.** Heard.

2. The petitioners had instituted D.V. Misc. Case No.103 of 2020. Vide a detailed judgment dated 30.04.2024, the learned S.D.J.M. (Sadar), Cuttack, directed opposite party No.1 to pay a sum of Rs.30,000/- per month towards maintenance of the petitioners with effect from 17.08.2020, i.e., the date of filing of the case. The learned Court further directed opposite party No.1 to pay Rs.7,000/- per month towards separate accommodation to the petitioner with effect from 30.04.2024, besides awarding compensation of Rs.50,000/-. The relevant portion of the said judgment is reproduced hereunder:-

> "12. The petition filed under Section 12 of the P.W.D.V. Act is allowed against the OPs and in the circumstance, without cost. Considering the fact that the Aggrieved Person has been subjected to physical, mental and emotional abuse; and for her safety and well being; this

Court feels it just and proper to grant protection order under section 18 of P.W.D.V. Act and the OPs are specifically directed not to commit any acts of domestic violence against the Aggrieved Persons or aid or abett in the commission of the acts of domestic violence against the Aggrieved Persons and not to interfere in their peaceful living. The Ops are specifically prohibited from harassing the Aggrieved Persons in any manner. OP No. 3 is directed to allow the Aggrieved Persons to reside in their shared household if the Aggrieved Person No. 1 so desires, as provided under section 17 of the said Act or otherwise as provided under section 19 of the said Act; provide for a separate accommodation for the Aggrieved Persons or in lieu of it; pay an amount of Rs 7,000/- (seven thousand only) towards house rent within 7 days of every succeeding month from the date of this order. As regards the quantum of maintenance under section 20 of the said Act, on careful scrutiny and owing to the above-discussed circumstances, this Court is of the opinion that the Aggrieved Person and her daughter are entitled for maintenance from the OP No. 3 and that it would be fair and reasonable if a sum of Rs. 30,000/- (Thirty thousand only) is allowed in favour of the Aggrieved Persons towards their maintenance, medical expenses and educational expenses from the date of filing of this application i.e. from 17.08.2020 onwards. The OP No. 3 is directed to pay the said regular monthly maintenance to the Aggrieved Person No. 1 in the first week of each succeeding month. The arrear maintenance amount is to be paid by the OP No. 3 to the Aggrieved Person No. 1 in the first week of each succeeding month. The arrear maintenance amount is to be paid by the OP No.3 to the Aggrieved Person No.1 in twelve equal monthly installments over and above the payment of regular monthly maintenance to her. If the OP No. 3 fails to pay the said maintenance to the OPs are specifically prohibited from harassing Aggrieved Person No. 1 in time, then the Aggrieved Person is at liberty to recover the same from the OP No. 3 through the process of the Court. The OPs are further directed to provide compensation of Rs.50,000/- (Fifty thousand only) for the torture caused by the OPs

under section 22 of the said Act, failing which, the petitioner shall be at liberty to realise the same through due process of law."

3. The petitioners have drawn up Execution D.V. Misc. Case No.99 of 2024 seeking implementation of the above mentioned directions. Pursuant thereto, opposite party No.1, though appeared, failed to pay the arrears of maintenance. Even NBW was issued by the learned J.M.F.C.-IV (Cog. Taking), Cuttack, in the execution proceeding vide order dated 17.11.2025. Pursuant to the said NBW, opposite party No.1 appeared before the Court on 21.11.2025 and undertook to pay the arrears of maintenance in instalments. The grievance of the petitioners is that, despite such undertaking, opposite party No.1 has failed to make the entire payment. Despite repeated prayers made by the petitioners before the learned J.M.F.C.-IV (Cog. Taking), Cuttack, no appropriate order has been passed for implementation of the undertaking given by opposite party No.1 on 21.11.2025. Hence, they have approached this Court seeking appropriate directions.

4. Essentially, the petitioners are seeking implementation of the judgment dated 30.04.2024 passed by the learned S.D.J.M. (Sadar), Cuttack, through the execution proceeding. This Court cannot assume the jurisdiction of the Executing Court. At the same time, the order dated 21.11.2025 passed by the learned J.M.F.C.-IV (Cog. Taking), Cuttack, in D.V.

Execution Case No.99 of 2024, needs to be given effect to. Since the opposite party No.1 has already given an undertaking before the Court, it was obligatory on his part to make good the payment in terms of such undertaking. The petitioners have already filed an application in that regard, which is pending consideration. Hence, the learned J.M.F.C.-IV (Cog. Taking), Cuttack is directed to dispose of the said application in accordance with law, without further delay, preferably within a period of one month.

5. With this observation, the CRLMP is disposed of.

(S.S. Mishra)
Judge

Swarna

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Reason: Authentication
Location: High Court of Orissa
Date: 12-Nov-2026 19:11:28