IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35045 of 2026

CNR No. ODHC010834602026

Renubala Behera .... ***Petitioner***

Mr. Prasanna Kumar Rath,
Advocate

-versus-

State of Odisha and others .... ***Opposite Parties***

Mr. R. Pradhan, ASC

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

Order No. **27.10.2026**

01. This matter is taken up through hybrid mode.

2. Heard learned Counsel for the Petitioner, so also Mr. Pradhan, learned Additional Standing Counsel, who accepts notice on behalf of the Opposite Party Nos.1 & 2 and admits to have received copy of the brief.

3. During hearing, it has come to the notice of this Court from the cause title of the writ petition that the Petitioner had earlier approached this Court in W.P.(C) No.31685 of 2021, seeking self-same prayer. The said writ petition was disposed of vide order dated 08.10.2021, relevant portion of which is reproduced below:

> *"2. Heard.*
>
> *3. The petitioner has filed this writ petition seeking direction to opposite party No.2 to modify the order dated 22.02.2021 and to deduct and deposit the monthly maintenance of the petitioner in the account of the petitioner in the same*

process the salary of O.P.1 has been deposited through H.R.M.S. and government Treasury by preparing separate bill and the opposite party no.2 be restrained from granting/ disbursing any loan to opposite party no.1 from his GPF till disposal of arrear monthly maintenance amount of Rs.1,42,442/- of the petitioner.

4. In course of hearing, learned counsel for the petitioner states that highlighting the grievances, the petitioner has made representation to opposite party no.2 vide Annexure-5 and the same may be directed to be considered within a stipulated time.

5. ***Considering the limited grievance of the petitioner, this Court, without expressing any opinion on the merits of the case, disposes of the writ petition directing opposite party no.2 to consider the representation filed by the petitioner vide Annexure-5 and pass appropriate order in accordance with law within a period of three months from the date of production of certified copy this order****.*

Issue urgent certified copy as per rules."

(Emphasis supplied)

4. Thereafter, the Petitioner filed W.P.(C) No.13834 of 2024, seeking early disposal of C.P. Execution Case No.28 of 2023. The said writ petition was also disposed of vide order dated 30.05.2024, which is reproduced below:

"1. The petitioner has filed the present petition seeking a direction for disposal of the C.P. Execution Case No.28 of 2023 being the decree holder of C.P. No.809 of 2019. The grievance raised by the petitioner is that the petitioner's execution case is kept pending, she being aged about 57 years is ailing and suffering a lot as the judgment debtor, husband of the petitioner is not honouring the decree.

2. Learned counsel for the petitioner expresses concern that from the order sheet of the pending Civil Execution No.28 of 2023 as annexed to the petition i.e. orders dated 01.03.2024, 03.04.2024,

23.04.2024, it would be evident that opposite party-judgment debtor is seeking repeated adjournments for which there may be a direction to the learned Court in seisin of the matter to dispose of the matter expeditiously.

3. In view of the pendency of the C.P. Execution Case No.28 of 2023 under Order 21, Rule-10 & 11(2) of the C.P.C. before the learned Judge, Family Court, Cuttack, this Court is not inclined to entertain the petition at this stage.

4. ***Without expressing opinion on the merits of the case as well as rival contentions raised in the Civil Execution Case No.28 of 2023, the writ petition is disposed of observing that the learned Judge, Family Court shall do well to consider the grievance of the petitioner and deal with the execution case as expeditiously as possible in accordance with law.***

5. The writ petition is disposed of accordingly."

(Emphasis supplied)

5. Subsequently, the Petitioner filed W.P.(C) No.30956 of 2025, which was disposed of as withdrawn vide order dated 05.01.2026, giving liberty to the Petitioner to approach the Executing Court in Civil Execution Case No.28 of 2023 for redressal of her grievance. The relevant portion of the said order is reproduced below:

"2. Learned Counsel for the Petitioner prays for withdrawal of the writ petition with liberty to move before the Executing Court in Civil Execution No.28 of 2023, now pending before the learned Judge, Family Court, Cuttack for redressal of the grievance of the Petitioner.

3. ***Accordingly, the writ petition stands disposed of as withdrawn, with liberty as prayed for.***

4. Urgent certified copy of this order be granted on proper application as per rules."

(Emphasis supplied)

6. Despite the aforesaid orders, the Petitioner has once again approached this Court in the present writ petition, seeking a direction to the Additional Sub-Collector-cum-Consolidation Officer, Kendrapara (Opposite Party No.2), to dispose of her representation dated 02.10.2026 and to ensure payment of the alleged arrear maintenance of Rs.2,30,000/- by recovering the same from Opposite Party No.3 within a stipulated period.

7. In view of the admitted facts on record, so also direction given by the Co-ordinate Bench in W.P.(C) No.13834 of 2024, so also the order passed by the learned Executing Court on 27.07.2026, as at Annexure-5, this Court is not inclined to pass any further order in the present writ petition.

8. Accordingly, the writ petition stands dismissed.

9. However, it is made clear that dismissal of the writ petition shall not be a bar for the learned Executing Court to act in terms of the observation made vide order dated 30.05.2024 passed in W.P.(C) No.13834 of 2024.

10. Office is directed to communicate a copy of this order to the learned Judge, Family Court, Cuttack for its information and necessary action in accordance with law.

(S.K. MISHRA)
JUDGE

Anisha

Signature Not Verified
Digitally Signed
Signed by: ANISHA NANDA
Designation: Jr. Stenographer
Reason: Authentication
Location: OHC, CUTTACK
Date: 28-Oct-2026 14:20:19