



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15475 of 2025

Pruthivi Raj Behera **Petitioner**

Mr. Rashmi Kanta Acharya, Advocate

-versus-

Raseswari Mishra **Opp. Party**

Mr. Ashutosh Mishra, Advocate

CORAM:

JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

05.05.2026

(Hybrid Mode)

Order No.

06.

1. Learned counsel for the petitioner files memo of date enclosing copy of the order dated 02.02.2026 passed by the learned Judge, Family Court, Bhubaneswar in C.P. No.723 of 2018. The said order is reproduced herein:

“Order dt.02.02.2026:

The case record is put up today for order on the petition dated 29.08.2025 filed on behalf of the respondent praying to set aside the ex parte order dated 30.01.2025. Objection already filed. Already heard on the petition from both the sides. Perused the case record. The respondent was set ex parte on 30.01.2025 as he was absent on repeated calls and no steps taken on his behalf. This is a matrimonial case. Law is well settled that a matter should be adjudicated on merit rather to dispose of on technical grounds and so, for the interest of justice and for just decision of the case and to give a logical end to the controversies between the the case and to give a logical end to the controversies between

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Date: 09-May-2026 13:22:41





the parties for all time to come, the petition is allowed subject to payment of cost of Rs.1,000/- to be paid to the petitioner-wife.

The petition dated 29.08.2025 to recall the order in I.A. No.96 of 2024 dated 14.02.2025 is to be considered after filing of written statement on behalf of the respondent. Put up on 12.03.2026 for filing of written statement on behalf of the respondent.”

2. Learned counsel for the Opp. Party is heard at length. He submits that while moving the writ application, the petitioner has conveniently also sought for intervention of this Court in the order dated 14.02.2025 for maintenance passed in I.A. No.96 of 2024 arising out of the C.P.

To support his submission, he submits that the petitioner never disclosed before this Court that he is in default in paying the maintenance as directed by order dated 14.02.2025 and the order dated 12.08.2025 was passed by the Coordinate Bench, at paragraph 6 observing that the petitioner can move the learned Judge, Family Court, Bhubaneswar for recall of the order dated 30.01.2025 stating the present petitioner ex parte in the C.P.

3. It is submitted by the learned counsel for the Opp. Party that in the process, the petitioner has stalled the proceeding before the learned Family Court, approached this Court, this Court expressed opinion of moving the trial Court and for the entire period since 14.02.2025 for the last more than one year, he has not



paid any maintenance that was to be paid from the date of filing of the application i.e. 02.12.2024.

4. Learned counsel for the petitioner referring to the order dated 02.02.2026 submits that the petitioner will not press the writ application any further as now he has been allowed to file written statement.

5. Now, the other prayer of the petitioner in the Writ Application seeking a direction to set aside of the order dated 14.02.2025 would also no more survive.

In view of the direction of the learned Judge, Family Court that after filing of the written statement by the Opp. Party, any further prayer of the Opp. Party before the learned Judge, Family Court shall be considered.

6. At this stage, suffice it would be to observe that the opposite party herein-petitioner before the learned Judge, Family Court shall have the liberty to pursue the legal remedy available to her for receiving the maintenance directed by order dated 14.02.2025 w.e.f. 02.12.2024.

7. The writ petition is disposed with the aforesaid observations.

(Mruganka Sekhar Sahoo)
Judge