



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.252 of 2024

Sk. Saifur Reheman

....

Petitioner

M/s. R.K. Naik, Advocate and Associates

-Versus-

Asma Bibi

Opposite Party

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

21.06.2024

Order No.

01. 1. Heard learned counsel for the petitioner.
2. Instant revision petition is filed by the petitioner challenging the correctness of the impugned order under Annexure-5 in CRLA No.7 of 2024 passed by learned District & Sessions Judge, Cuttack on the grounds stated therein.
3. Learned counsel for the petitioner would submit that the order in DV Execution Case No.131 of 2022 vide Annexure-4 was upheld by the learned court below. It is further submitted that the original order in DV Misc No.203 of 2019 under Annexure-1 is sought to be modified in terms of Section 126(2) Cr.P.C. and the same is pending disposal and while claiming so, a copy of the said petition dated 10th October, 2023 as at Annexure-3 series is referred to. It is contended that unless and until, the petition for



modification i.e. Annexure-3 series is disposed of with reference to the order dated 6th December, 2021 i.e. Annexure-1, the petitioner would be highly prejudiced, if in case, the execution is allowed to continue pursuant to the impugned order i.e. Annexure-5.

4. Considering the above submission of learned counsel for the petitioner, the Court is inclined to have the response of the opposite party wife.

5. Hence, it is ordered.

6. Issue notice to the opposite party by Registered Post with AD making it returnable at an early date and for the said purpose, requisites shall be filed by learned counsel for the petitioner within seven days positively.

7. List on 12th July, 2024 for final hearing and orders on appearance of the opposite party wife.

(R.K. Pattanaik)
Judge

IA No.458 of 2024

1. Heard learned counsel for the petitioner.

2. Instant petition is filed by the petitioner for stay operation of NBWA issued on 23rd August, 2023 vis-à-vis Execution Case No.131 of 2022 till the next date.



3. Considering the plea advanced and submission of learned counsel for the petitioner, this Court, as an interim measure, stays operation of the execution of NBWA pending against the petitioner subject to depositing an amount of Rs.1 lac payable to the opposite party wife within next fifteen days in two installments as per the orders received from the learned J.M.F.C.-IV, Cuttack.
4. List on the date fixed.
5. Urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge