



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.252 of 2024

Sk. Saiful Reheman

....

Petitioner

Mr. R.K. Naik, Advocate & Associates

-Versus-

Asma Bibi

....

Opposite Party

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

12.07.2024

Order No.

2.

1. This matter is taken up through virtual mode.
2. Heard learned counsel for the petitioner and learned counsel for the opposite party.
3. Learned counsel for the petitioner submits that order dated 21st June, 2024 is required to be clarified since an amount of Rs. 50,000/- out of Rs. 1,00,000/- as was directed by this Court in I.A. No. 458 of 2024 was not accepted by learned JMFC-IV, Cuttack. It is informed to the Court that the petitioner is prepared to deposit the amount in two installments as has been ordered.
4. Learned counsel for the opposite party is present and submits that the interim order should be recalled since the petitioner has not paid a single pie to the opposite party. No petition is filed by the opposite party for recalling the interim order dated 21st June, 2024, nevertheless the submission of learned counsel appearing for her is noted down.
5. By Court's order dated 21st June, 2024, the petitioner was directed to deposit an amount of Rs.1,00,000/- payable to the opposite party-wife within next fifteen days on receiving the orders of the learned court below. It is informed to the Court with the



claim that an amount of Rs. 50,000/- in the shape of bank draft was produced before the court of learned JMFC-IV, Cuttack on 8th July, 2024 but the same was not accepted. It is also claimed that the learned court below requested for a clarification of the interim order in I.A. No. 458 of 2024 as to the manner of payment, whether any exercise to be undertaken at its end.

6. The Court allowed such payment and deposit of Rs. 1,00,000/- in two installments within next fifteen days i.e. on and from 21st June, 2024. Learned counsel for the petitioner submits that a draft of Rs. 50,000/- (1st installment) was submitted to the learned court below on 8th July, 2024 which is within fifteen days from 21st June, 2024.

7. In fact, no clarification is needed as the Court vide order dated 21st June, 2024 had clearly directed that the petitioner is required to deposit Rs. 1,00,000/- in two installments within fifteen days and the manner of such payment by installments shall be on the orders of learned JMFC-IV, Cuttack, which is needed to be now modified in the changed circumstances.

8. In view of the submission of the learned counsel for the petitioner since the petitioner has claimed to have approached the learned court below with a draft of Rs. 50,000/-, the Court is of the view that such payment of Rs. 1,00,000/- should have been on receiving the orders of learned JMFC-IV, Cuttack for and with regard to the 2nd installment only but in the meantime, fifteen days' time has expired as the same was erroneously counted from the date of receipt of a copy of the order on 26th June, 2024. Having said that, the Court in the present circumstances directs the petitioner to deposit Rs. 1,00,000/- but subject to the orders of learned JMFC-IV, Cuttack towards the payment of 2nd installment depositing the 1st installment of Rs. 50,000/- on the date of



production of a copy of the order itself immediately payable to the opposite party.

9. With the above modification and the direction is issued, the petitioner is to approach the learned court below in next fifteen days in compliance of the Court's order in I.A. No. 458 of 2024.

(R.K.Pattanaik)
Judge

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CRLREV No. 252 of 2024

1. List this matter on 26th July, 2024 for final hearing and orders.
2. In the meantime, learned counsel for the opposite party is requested to file Vakalatnama and objection, if any, before the next date.

(R.K.Pattanaik)
Judge

I.A. No. 571 of 2024

1. Heard learned counsel for the petitioner.
2. Instant petition is filed for appropriate orders.
3. Learned counsel for the petitioner submits that the parties should be allowed for a conciliation through a Mediation Centre.
4. A copy of the I.A. is requested to be served on the learned counsel for the opposite party for a response.
5. List this matter on the date fixed.

(R.K.Pattanaik)
Judge