



IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No.166 of 2022

Sribachha Rana

....

Petitioner

Mr. P.K. Mallick, Advocate

-versus-

Kalyani Rana

....

Opp. Party

CORAM:

JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

02.07.2026

(Hybrid Mode)

Order No.

03.

1. The petitioner before this Court is the husband in the marriage. By filing the revision he seeks the judgment dated 31.03.2022 passed by the learned Judge, Family Court, Phulbani in C.R.P.-52 of 2021. By the said judgment, the petition filed by the wife in the marriage U/s.125 of Cr.P.C. seeking monthly maintenance has been allowed.

2. The learned counsel for the petitioner is apprised of the judgment rendered by the Hon'ble Apex Court in ***Rajnesh vs. Neha and another : (2021) 2 SCC 324***, wherein it has been held that the amount directed to be paid as maintenance to the wife and child is akin to a money decree.



3. In ***Banambar Sahoo v. Itishree Sahoo and another : RPFAM No.394 of 2025*** decided on 08.04.2025 it has been held by this Court that issuance of notice has to be guided by the principles contained in and more so by the specific provisions contained in CPC. In that regard the provisions contained in Order XLI are relevant which deal with appeals from original decrees and those principles shall apply in case of petition seeking revision.

4. The learned counsel for the petitioner is apprised of the Order XLI Rules 1(3), (3-A), 10 and 11 of CPC. In view of these specific provisions contained in CPC, the petitioner has to secure the amount payable to the opposite party-wife which he challenges in the revision.

5. On being asked, learned counsel for the petitioner further submits that he has no instruction whether the petitioner has in any manner deposited any amount as directed by the learned Judge, Family Court towards maintenance.

6. The petitioner has adjournment to file affidavit indicating how he will secure the amount that remains in arrear i.e. Rs.5,000/- from 09.08.2021 comes to Rs.5000/- × 28 = Rs.1,40,000/- .

Affidavit shall be filed by 27.07.2026.

7. The matter shall be listed for orders in the week commencing 03.08.2026.



8. Copy of this order shall be forwarded to the learned Judge, Family Court, Phulbani to be kept in the records of C.R.P. No.52 of 2021 by the Registry.

Registry shall also obtain report from the learned Judge, Family Court, Phulbani if any execution case arising out of the said C.R.P. is pending and if so the status of the said execution case shall be intimated.

(Mruganka Sekhar Sahoo)
Judge

Radha