

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No. 269 of 2022

Satyananda Sahoo

.....

Petitioner

Mr. A. Das, Adv.

Vs.

1. Sima @ Seema Sahoo

.....

Opposite Parties

2. Swastika Sahoo

Mr. S.R. Patnaik, Adv.

CORAM:

JUSTICE SAVITRI RATHO

ORDER

26.09.2023

Order No.

01.

(Through hybrid mode)

I.A. No. 391 of 2023

1. This I.A. has filed for condoning the delay of eight days in filing this RPFAM.

2. It is stated in the petition that the petitioner was suffering from severe back pain and has been advised by the doctor to take bed rest for which it was not possible on his part to take steps for filing the RPFAM within the period of limitation.

3. As the period of delay is only eight days, Mr. S.R. Patnaik, learned counsel for the opposite parties does not object for condonation of delay.

4. The delay in filing this RPFAM is accordingly condoned.

5. I.A. is disposed of.

RPFAM No. 269 of 2022

6. This application under section 19(4) of the Family Courts

Act read with Section 127 of the Code of Criminal Procedure has been filed by the petitioner, challenging the judgment dated 12.07.2022 passed by the learned Judge, Family Court, Jagatsinghpur in Crl. Misc. Case No. 43 of 2015 awarding maintenance of Rs.7500/- to the opposite party no.2 daughter of the petitioner with effect from the date of application i.e. 20.03.2015.

7. Issue notice to the opposite parties. Waiving notice Mr. S.R. Patnaik, learned counsel has appeared on behalf of the opposite parties. He has received a copy of the RPFAM. So no formal notice is required to be sent.

8. List this case on 10.10.2023 to enable the learned counsel to obtain instructions.

I.A. No. 350 of 2022

9. This I.A. has been filed for saying the operation of the judgment dated 12.07.2022 passed by the learned Judge, Family Court, Jagatsinghpur in Crl. Misc. Case No. 43 of 2015.

10. Mr. A. Das, learned counsel for the petitioner submits that in the meanwhile, the opposite party no.2 has filed the Execution Misc. Case No. 18 of 2022 in the Court of the learned Judge, Family Court, Jagatsinghpur and the case was last posted on 25.09.2023.

11. Considering the above submissions, as an interim measure, but without prejudice to the rights and contentions of the parties, the further proceedings in the execution case shall remain stayed, subject to the petitioner depositing an amount of Rs.1,00,000/- (rupees one lakh only) towards arrear maintenance, before the Executing Court before the next date. The amount shall be released in favour of the opposite parties.

12. Urgent certified copy of this order be granted on proper application.

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(SAVITRI RATHO)
JUDGE

Sukanta

