



IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No.367 of 2025

Santosh Sahoo

....

Petitioner

Mr. Subash Chandra Puspalka, Advocate

-versus-

Pinki Sahoo and another

Opp. Parties

CORAM:

JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

06.07.2026

Hybrid Mode

Order No.

04.

1. On 24.02.2026 the matter was heard at some length. The facts as well as the propositions of law were noted and the following order was passed :

“1. Learned counsel for petitioner was heard at length.

Petitioner-husband is before this Court challenging the judgment dated 30.07.2025 passed by the learned Judge, Family Court-II, Bhubaneswar. The said proceeding was initiated under the provision of Section 125, Cr.P.C. (since repealed and substituted by pari materia provision under section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023) by the wife in the marriage and minor child born from the wedlock aged about three years presented through the mother. Monthly maintenance sought for by the wife was ₹30,000/- and for the child was ₹20,000/- per month. However, learned Judge, Family Court has directed payment of monthly maintenance of ₹3,000/-per month to the wife in the marriage and ₹5,000/- per month for the minor child.



2. In view of the judgment and direction of the Hon'ble Apex Court in **Rajnish v. Neha : (2021) 2 SCC 324: 2020 INSC 631 : AIR 2021 SC 569**, the amount directed under section 125, Cr.P.C. (since repealed and substituted by pari materia provision of section 144 contained in Bharatiya Nagarik Suraksha Sanhita, 2023) is in the nature of money decree. Learned counsel for petitioner has adjournment to obtain instruction how the amount shall be secured for challenging the same before this Court and what amount has already been paid during pendency of the said proceeding or after pronouncement of the judgment dated 30.07.2025. The amount due to be paid as directed by the learned Judge, Family Court i.e. ₹ 8,000/- per month from the date of filing of the application before the learned trial court i.e. 13.07.2021 for 55 months till February, 2026 would be ₹4,40,000/-.

4. The matter shall be listed in the week commencing 23.03.2026." (sic)

2. Thereafter on 24.03.2026, the matter was adjourned at the request of the petitioner and the following order was passed:

"1. The matter was heard at length on 24.02.2026 and learned counsel for the petitioner had adjournment to obtain instruction.
2. Today, the matter is mentioned and adjournment is sought for.
3. To grant further opportunity, list in the week commencing 13.04.2026."

3. Thereafter on 17.04.2026 again the matter was sought to be adjourned and the following order was passed:

"1. The matter was heard extensively on 24.02.2026. The legal issues and facts were noted and was adjourned by the learned counsel for the petitioner to address the Court on the issues noted. Thereafter,



the matter was mentioned and adjourned on 24.03.2026 by the learned counsel for the petitioner.

2. Today, the matter being in the list, mention is made at the beginning of the day's proceeding seeking adjournment.

3. To grant further opportunity, list in the week commencing 11.05.2026."

4. Today, the matter being in the list, is mentioned at the beginning of the day's proceeding and memo of date is filed, which states thus:

"That, the petitioner seeks permission of this Hon'ble Court to withdraw the case with a liberty to file a better application." (sic)

5. In view of the above, the petition is dismissed.

Copy of this order shall be forwarded by the Registry to the learned Judge, Family Court-II, Bhubaneswar to be kept on the records of CR.P. No.131 of 2021 disposed of by judgment dated 30.07.2025.

(Mruganka Sekhar Sahoo)
Judge