

IN THE COURT OF THE JUDGE, FAMILY COURT,  
BHUBANESWAR.

Present : Shri Pravakar Mishra, OSJS(SB),  
Judge, Family Court, Bhubaneswar.

CrI. Misc. Case No. 7 of 2013

Sri Dillip Kumar Das, aged about 33 years,  
S/o- Natabar Das,  
Vill/P.O.- Gumandera (Jahaj Padia)  
P.S.-Belpahad, Dist-Jharsuguda,  
At present serving at S.B.I., Biswanathpur Branch,  
At/P.O./P.S.-Biswanathpur, Dist-Kalahandi.

... Petitioner

... Versus...

Smt. Chinmayee Jena @ Das  
D/o-Sibanarayan Jena,  
At/Qr. No. Type-11, House No. 12,  
Unit-4, CPWD Colony, P.S.-Kharavel Nagar,  
Bhubaneswar, Dist-Khurda.

... Opp. Party

Date of argument : 07.08.2014

Date of order : 18.08.2014

ORDER

This order arises out of a petition u/s. 126 (2) of the Cr.P.C.

2. The fact of the case of the petitioner is that the present petitioner is the Opp. Party in Criminal Proceeding No. 48 of 2012. The petitioner was set ex-parte in the aforesaid proceeding No. 48 of 2012 and ex-parte order was passed on 26.12.2012 directing the petitioner to pay a monthly maintenance of Rs. 5,000/- to the present Opp. Party. The petitioner

stated that he has engaged an advocate of Bhubaneswar Bar to conduct his case before the Court but the said learned counsel did not conduct the case properly for which the ex-parte order was passed against him.

3. Objection was filed by the Opp. Party-wife. The sole ground of objection is that the Opp. Party has intentionally avoided the court to harass the Opp. Party therefore, the same ex-parte order should not be set-aside.

4. Heard the matter on 07.08.2014

5. During hearing of the case, the Opp. Party as well as her learned counsel submitted that they have no objection if the ex-parte order dated 26.12.2012 be set aside but with cost. In that view of the matter, the petition under Section 126(2) Cr.P.C. deserves to be allowed. It is stated that an execution case bearing No. 6 of 2013 amounting Rs. 45,000/- is pending against the petitioner. Hence it is ordered;

#### ORDER

The petition is allowed subject to payment of 50% arrear amount and Rs. 500/- towards cost.

JUDGE, FAMILY COURT,  
BHUBANESWAR

Dictated, corrected by me and is pronounced on this the 18<sup>th</sup> day of August, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.