



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.753 of 2024
(CNR No. ODHC010924852024)

Prachi Sourav Das **Petitioner**
Mrs. S. Jena, Sr. Advocate

-Versus-

Sagarika Parida and others **Opposite Parties**
Mr. P. Das, Advocate

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
12.08.2026

Order No.

14.

1. Heard learned counsel for the respective parties.
2. Instant revision is filed by the petitioner challenging the impugned order dated 16th December, 2024 passed in connection with CRLA No.74 of 2022 as at Annexure-1 by the learned 2nd Additional Sessions Judge, Bhubaneswar on the grounds stated.
3. Mrs. Jena, learned Senior Advocate for the petitioner would submit that the impugned order at Annexure-1 is not legally tenable since over and above other maintenance orders, an amount of Rs.12,500/- a month has been directed for payment by the petitioner to the opposite parties. The submission is that an amount of Rs.6000/- has been allowed in favour of the daughter of the petitioner in a proceeding under Section 125 Cr.P.C. in CRP No.3 of 2021, whereas, opposite party No.1 is to receive a sum of Rs.5000/- in CP No.246 of 2020 and even thereafter, the impugned order is passed as per



Annexure-1 by the learned court below. The contention of Mrs. Jena, learned Senior Advocate is that it is difficult on the part of the petitioner to honour the monthly maintenance at the rate of Rs.12,500/- when he has been directed to pay Rs.11,000/- to the opposite parties by the earlier orders. The claim is that there has been no adjustment of the amounts while fixing the monthly maintenance for the opposite parties and hence, the impugned order dated 16th December, 2024 in appeal by the learned court below is liable to be interfered with and set aside in the interest of justice.

4. Mr. Das, learned counsel for the opposite parties refers to the order dated 19th November, 2022 at Annexure-2 of the court of 1st instance to claim that there has been consideration with regard the annual income and such other income received by the petitioner from immovable properties and therefore, any such maintenance at the rate of Rs.12,500/- payable to the opposite parties is not on the higher side. Furthermore, Mr. Das, learned counsel submits that the learned S.D.J.M., Bhubaneswar while directing such maintenance in favour of the opposite parties in view of the order dated 25th September, 2024 in CMC EXN. No.23 of 2024 has taken into account such orders under Section 125 Cr.P.C by the Family Court and also interim maintenance for an amount of Rs.6000/- in favour of opposite party No.2 and therefore, the amount fixed at Rs.12,500/- as maintenance over and above should not be disturbed and tinkered with.



5. In the case at hand, the proceeding is under Section 23 of the PWDV Act wherein the court of 1st instance allowed maintenance of Rs.12,500/- challenged in Criminal Appeal No.74 of 2022, wherein, it has been confirmed. The plea of the petitioner is that he is working in a medicine shop and does not have income to pay the monthly maintenance of Rs.12,500/- apart from the earlier orders of maintenance in favour of the opposite parties. It is claimed by Mr. Das, learned counsel for the opposite parties that the learned courts below have considered the affidavits filed by both the sides on assets and liabilities and thereafter, in terms of the Apex Court decision in **Rajnish Vrs. Neha and another AIR 2021 SC 569** fixed the maintenance accordingly. But on a bare reading of the impugned order at Annexure-1, this Court finds that the rival contentions have been noted down without any reference to the affidavits filed by the respective parties. No discussion is made with respect to the income of the petitioner as to whether he would be able to pay an amount of Rs.12,500/- besides the earlier orders towards payment for a sum of Rs.11,000/-, in total. Nothing is borne out of the record either regarding immovable properties owned by the petitioner. Even the learned S.D.J.M., Bhubaneswar while considering the demands for maintenance though has taken consideration of the earlier maintenance orders but without discussing any such materials furnished through affidavits awarded the maintenance at the rate of Rs.12,500/- which is affirmed the learned court below in appeal. This Court is inclined to hold that there is a need for



fresh consideration vis-à-vis maintenance payable to the opposite parties after the earlier orders in CP No.246 of 2020 and CRP No.3 of 2021, wherein, the petitioner has been directed to pay a monthly maintenance of Rs.11,000/- to the opposite parties. In other words, there is a need for a direction to the learned court below to freshly consider the affidavits on assets and liabilities and to determine the monthly maintenance payable to the opposite parties corresponding to the claim in DV Misc. Case No.10 of 2021 in absence of any such consideration with reference to the income and liabilities of the petitioner and accordingly, it is ordered.

6. In the result, the revision stands allowed. As a necessary corollary, the impugned order in Criminal Appeal No.74 of 2022 is hereby set aside with the matter remanded to the court of learned 2nd Additional Sessions Judge, Bhubaneswar, who shall consider the plea of the petitioner and also his income and assets in possession in juxtaposition to the social and financial status of opposite party No.1 and her entitlement and thereafter, taking into account on the affidavits on assets and liabilities to redetermine the monthly maintenance in view of the earlier orders and to pass a reasoned order at the earliest preferably within period of three weeks from the date of receipt of a copy of this order.

Signature Not Verified

Digitally Signed
Signed by: ROJINA SAHOO
Designation: Senior Stenographer
Reason: Authentication
Location: OHC, CTC
Date: 17-Aug-2026 14:56:36



Urgent copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge