

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.88 of 2020

Ganga Narayan Rath

.....

Petitioner

Mr. LK.Pattanayak, Advocate

-versus-

Smt. Priti Das

....

Opp. Party

Mr. Samir Kumar Mishra, Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

16.08.2022

Order No.

- 8.
1. This matter is taken up through Hybrid mode.
 2. Petitioner in this writ petition seeks to assail the order dated 26th November, 2019 (Annexure-6) passed by learned Judge, Family Court, Balasore in IA No.18 of 2019 (arising out of CP No.610 of 2018), whereby allowing an application under Section 24 of the Hindu Marriage Act, 1955, a direction was made to the Petitioner to pay a sum of rs.25,000/- per month to the Opposite Party towards *pendente lite* maintenance with effect from the date of filing of the petition, i.e., 16th February, 2019 and also to pay litigation expenses of Rs.10,000/- to the Opposite Party.
 3. Learned counsel for the Petitioner submits that the Petitioner is a retired bank employee and his monthly pension is Rs.87,463/- after usual deductions. It is his submission that the Petitioner is meeting the study expenses of his daughter, who is pursuing her LL.B. course at Symbiosis, Hyderabad. The Opposite party is also staying in the apartment purchased by the

Petitioner at Bhubaneswar. The Petitioner is paying the EMIs of the loan availed for purchase of the said apartment. In addition to the above, the Petitioner has to look after his ailing mother, who is ninety years old and is dependent on him. In view of the above, direction to pay Rs.25,000/- per month is highly unreasonable and requires reconsideration.

4. Mr. Mishra, learned counsel for the Opposite Party submits that the daughter of the Petitioner is not born out of wedlock with the Opposite Party. It is also submitted that the Petitioner has allowed the Opposite Party to stay in the apartment purchased by him. The Opposite Party is entitled to enjoy the status she would have enjoyed with his husband. Hence, the award of *pendente lite* maintenance is just and proper and requires no interference looking at the cost of living and requirements of the Opposite Party.

5. Taking into consideration the rival contentions of the parties, this Court finds that the Petitioner is a retired bank employee and is getting Rs.87,463/- per month. He has also a dependent daughter and mother. The daughter of the Petitioner is pursuing her study at Symbiosis, Hyderabad, which is very costly. The Opposite Party is residing in the apartment purchased by the Petitioner at Bhubaneswar. Considering all these aspects and striking a balance between the income of the Petitioner and the requirements of the Opposite Party, sum of Rs.15,000/- per month would be just and reasonable towards *pendente lite* maintenance.

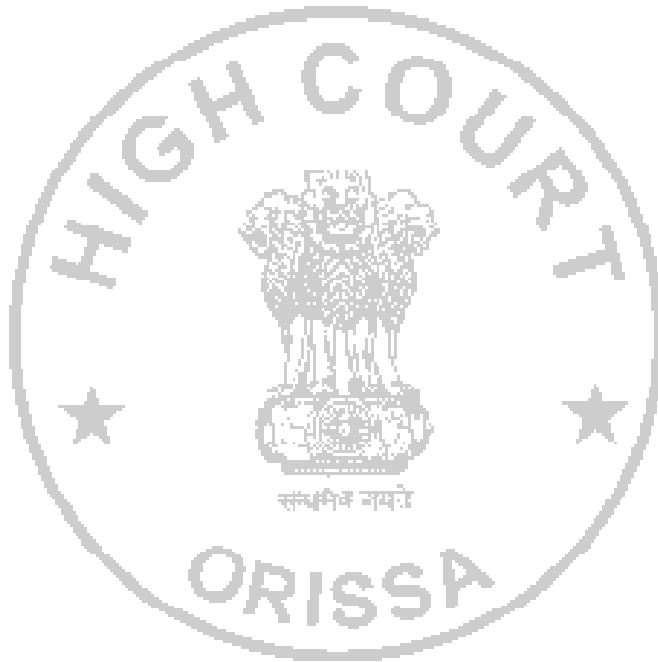
6. In view of the above, the Petitioner is directed to pay a sum of Rs.15,000/- per month to the Opposite Party towards *pendente lite* maintenance from the date of application, i.e., 16th

February, 2019. Learned Judge, Family Court should make an endeavour for disposal of the Civil Proceed at an early date.

7. Accordingly, the writ petition is disposed of.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge



s.s.satapathy