

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM NO. 262 OF 2017

Karunakar Mohapatra ***Petitioner***

Ms. Pragyan Mohanty, Advocate
on behalf of Mr. G.N. Mishra, Advocate

-versus-

Sakuntala Balabantaray ***Opp. Party***

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
15.11.2022**

Order No.

08. 1. This matter is taken up through hybrid mode.
2. Order dated 31st August, 2017 (Annexure-1) passed in Criminal Proceeding No. 120 of 2014 is under challenge in this RPFAM, whereby learned Judge, Family Court, Bhubaneswar directed the Petitioner to pay a sum of Rs.5,400/- per month to the Opposite Party with effect from the date of filing of application under Section 125 Cr.P.C., i.e. 27th September, 2014.
3. Learned counsel for the Petitioner submits that the income of the Petitioner is only Rs.37,000/ and odd. He is a CRPF constable and is posted at Jammu and Kashmir. He has old parents to be maintained by him. In that view of the matter, it is difficult on his part to pay maintenance of Rs.5,400/- per month to the Opposite Party-Wife as maintenance. She, therefore, prays for reconsideration of the quantum of maintenance.

4. None appears for the Opposite Party although she is represented by her learned counsel.

5. Taking into consideration the submission made by learned counsel for the Petitioner and on perusal of the record including the impugned order, it appears that learned Judge, Family Court, Bhubaneswar while assessing the quantum of maintenance has taken into consideration that the Petitioner has his old ailing parents depending upon him. It has also been observed that the Petitioner being a CRPF constable also needs extra nutrition to remain physically fit to discharge his duties. Taking into consideration the aforesaid aspects, learned Judge, Family Court, Bhubaneswar has assessed the quantum of maintenance at Rs.5,400/-, which is less than the amount of 1/4th of his monthly income. Thus, I find no infirmity in the impugned order.

6. Accordingly, the RPFAM being devoid of any merit stands dismissed.

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

(K.R. Mohapatra)
Judge

bks