

IN THE HIGH COURT OF ORISSA AT CUTTACK
RPFAM No. 115 OF 2018

Suchismita Mishra *Petitioner*
Mr. Santanu Sarangi, Advocate
-versus-
Debasish Padhi *Opp. Party*

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
05.04.2022

Order No.

10. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this RPFAM seeks to assail the order dated 13th February, 2018 passed by learned Judge, Family Court, Bhubaneswar in Criminal Proceeding No.86 of 2017, whereby a direction was made to the Opposite Party to pay maintenance at the rate of Rs.7,800/- per month from the date of filing of the application i.e. on 16th May, 2017. A further direction was made for payment of arrear maintenance by the Opposite Party in three monthly installments.
3. Mr. Sarangi, learned counsel for the Petitioner submits that the Opposite Party is working as an air purser and was earning more than Rs.70,000/- per month in the year 2016. Although the Petitioner had got a job under the Government of Odisha but she was not allowed to join in service by the family of the Opposite Party. It is also submitted that although the impugned order has been passed since 13th February, 2018 but the Opposite Party has not paid a single pie till date. Learned Judge, Family Court, Bhubaneswar has not properly considered the materials on record while assessing the

dependency of the Petitioner and has awarded a meager amount of Rs.7,800/- per month towards maintenance, which is not sufficient for the Petitioner to maintain herself. In that view of the matter, he prays for enhancement of the quantum of monthly maintenance to Rs.30,000/- per month.

4. Although notice on the Opposite Party has been made sufficient but he has not entered appearance.

5. Taking into consideration the submission made by learned counsel for the Petitioner and on perusal of the impugned order, it appears that the Petitioner did not produce any concrete material with regard to the income of Opposite Party during adjudication of the Criminal Proceeding No.86 of 2017. However, looking at the status of the Opposite Party, learned Judge, Family Court, Bhubaneswar assessed the income potential of the Opposite Party to be not less than Rs.33,000/- per month even at distress. Accordingly, the impugned order has been passed. Since no material with regard to the income of the Opposite Party was filed before learned Judge, Family Court, Bhubaneswar, he had to make a guess work and awarded the maintenance. In that view of the matter, the quantum of maintenance appears to be just and reasonable and requires no interference.

6. It is, however, open to the Petitioner to seek for variation of the order of maintenance, if there is any change in circumstance, by filing appropriate petition before learned Judge, Family Court, Bhubaneswar.

7. With the aforesaid observation, this RPFAM is disposed of.

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

(K.R. Mohapatra)
Judge