

IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No. 15 of 2020

Sharmistha Samal

.....

Appellant

Mr. S.K. Dalai, Advocate

-versus-

Dr. Goutam Rao

.....

Respondent

Mr. J.K. Panda, Advocate

MATA No. 06 of 2020

Dr. Goutam Rao

.....

Appellant

Mr. J.K. Panda, Advocate

-versus-

Sharmistha Samal

.....

Respondent

Mr. S.K. Dalai, Advocate

CORAM:

JUSTICE S. TALAPATRA

JUSTICE SAVITRI RATHO

ORDER

31.10.2022

MATA Nos.15 of 2020

with

MATA No.06 of 2020

Order No.

11.

1. These matters are taken up through hybrid mode.
2. Heard Mr. S.K. Dalai, learned counsel appearing for the Appellant in MATA No.15 of 2020 and for the Respondent in MATA No.06 of 2020 and Mr. J.K. Panda, learned counsel appearing for the Respondent in MATA No.15 of 2020 and for the Appellant in MATA No.06 of 2020.
3. Both the appeals are taken up together for disposal by a common judgment, as those emerged from the same

judgment dated 16.12.2019 delivered in C.P. No.115 of 2014 by the Judge, Family Court, Cuttack.

4. In the appeal being MATA No.15 of 2020, the Appellant (the wife) has challenged the quantum of the permanent alimony as settled by the said judgment. She urges for enhancement of the permanent alimony. In the other appeal being MATA No.06 of 2022 the Appellant is the husband (the Respondent in MATA No.20 of 2020). The Appellant in that appeal has challenged the quantum only and sought reduction considering his present income.

5. Mr. Dalai, learned counsel for the Appellant (in MATA No.15 of 2020) has produced a calculation sheet showing that the husband has only paid a part of the permanent alimony to the extent of Rs.5,40,000/- and as such, on that account rest sum of Rs.4,60,000/- is to be paid by the husband. In terms of the order this Court that sum of Rs.5,000/- be paid as arrear maintenance, the husband is liable to pay another sum of Rs.1,40,000/-.

6. Having taken into consideration all the relevant factors based, the need of the wife (the Appellant in MATA No.15 of 2020) the resources of the Appellant (in MATA No.06 of 2020) and the wellbeing of the parties, we are of the view that the permanent alimony as decided by the Judge, Family Court, Cuttack at Rs.10,00,000/- (Rupees ten lakhs) is quite reasonable in the circumstances. Under such, we do not find any merit in these appeals, accordingly, those are dismissed.

7. The Appellant (in MATA No.06 of 2020) shall pay the remaining amount of the permanent alimony within a month from today without fail, else, the said amount will carry interest @ 6% from the date of the original decree prepared in terms of the judgment dated 16.12.2019. In the event of the failure, the decree as passed by us shall be treated as money decree and the Appellant (in MATA No.15 of 2020) shall be at liberty to realize the said amount with interest through the process of the Court.

8. Mr. J.K. Panda, learned counsel for the Respondent (in MATA No.15 of 2020) has clearly stated that, whatever the articles of the Appellant are lying with the Respondent may be taken at any point of time with a notice of seven days earlier.

9. Decree be drawn accordingly.

10. If physical records are lying with the Registry, the same shall be sent down.

11. Urgent certified copy of this order be granted as per rules.

(S. Talapatra)
Judge

(Savitri Ratho)
Judge