

IN THE HIGH COURT OF ORISSA AT CUTTACK
RPFAM No. 31 OF 2022

Shweta Mahapatra

Petitioner

Mr. Sudhanshu Sekhar Pratap, Advocate

-versus-

Roshan Mishra

.... ***Opp. Party***

Mr. Prasant Kumar Nanda, Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
12.05.2022

Order No.

6.
 1. This matter is taken up through hybrid mode.
 2. The Petitioner in this RPFAM seeks to assail the order dated 30th November, 2021 (Annexure-1) passed in C.R.P. No.163 of 2019, whereby learned Judge, Family Court, Bhubaneswar while entertaining an interim application for maintenance in a proceeding under Section 125 Cr.P.C. directed the Opposite Party to pay Rs.5,000/- per month to the Petitioner-Wife towards her interim maintenance till disposal of C.R.P. No.163 of 2019.
 3. Mr. Pratap, learned counsel for the Petitioner submits that admittedly the Opposite Party is a Software Engineer and his monthly salary is Rs.2,37,651/- per month and his net salary is Rs. 1,50,689/- per month. Although the Petitioner is a qualified engineer, it is very difficult on her part to maintain herself with a meager amount of Rs.5,000/- per month at Bhubaneswar. He further submits that although the Petitioner is searching for a job, but she has not yet been employed in spite of her best effort. As such, the interim maintenance is liable to be enhanced in terms of

the ratio decided in the case of *Rajnesh-v- Neha and another*, reported in (2021) 2 SCC 324.

4. Mr. Nanda, learned counsel for the sole Opposite Party refuting such submission contended that the Opposite Party was not in job due to outbreak of COVID-19. On the other hand, the Petitioner was in service from 2014 to 2017. Thus, the Petitioner is not entitled to any maintenance for the aforesaid period. Although the Petitioner had lost her job, but at present she has other source of income. On the other hand, the Opposite Party with a net salary of Rs. 1,50,689/- per month is facing difficulty to maintain himself at Bengaluru after meeting with the expenses, as the cost of living is very high at metro city. He further submits that interest of justice will be best served, if a direction is made for early disposal of C.R.P. No.163 of 2019.

5. In view of the above, this Court feels that interim maintenance of Rs.5,000/- per month is not reasonable in comparison to the requirement of the Petitioner vis-a-vis the salary of the Opposite Party. It is, however, observed that the Opposite Party is staying at Bengaluru where the cost of living is very high. But the same should not stand be a bottleneck for grant of reasonable interim maintenance to the Petitioner.

6. Taking into consideration the submissions made by learned counsel for the parties and on perusal of the record, this Court feels that a sum of Rs.12,000/- (Rupees twelve thousand) per month will be just and reasonable at this stage as interim maintenance to the Petitioner.

7. Accordingly, this Court disposes of RPFAM with a direction that the Opposite Party shall pay a sum of Rs.12,000/- (Rupees twelve thousand) per month to the Petitioner as interim maintenance with effect from the date of application i.e. from 8th November, 2019 till disposal of C.R.P. No 163 of 2019. The amount, which has already been paid to the Petitioner in terms of the order dated 30th November, 2021 passed in C.R.P. No.163 of 2019, shall be adjusted towards of arrear maintenance.

8. It is further directed that learned Judge, Family Court, Bhubaneswar shall make an endeavour for early disposal of the petition under Section 125 Cr.P.C. for the interest of justice. Learned Judge, Family Court, Bhubaneswar shall not grant unnecessary adjournment in the matter and parties are directed to cooperate with learned Judge, Family Court for early disposal of C.R.P. No.163 of 2019.

9. With the aforesaid modification in the impugned order, this RPFAM is disposed of.

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

(K.R. Mohapatra)
Judge

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