

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV NO. 355 OF 2016

ShibajiSuna

....

Petitioner

Mr.P.K.Satapathy, Advocate

-versus-

ArunaSuna

.... ***Opposite Party***

CORAM:

JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
01.02.2022

03

1. This matter is taken up by virtual mode

2. By way of this revision application, the petitioner assails the judgment passed by learned Sessions Judge, Sundargarhin Criminal Appeal No.27 of 2014 under the provision of Protection of Women From Domestic Violence Act,2005.

3.The opposite party/wife here in this case, had filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short, PWDV Act) praying therein to pass a protection order under Section 18 and/or residence order under Section 19 and /or to direct the petitioner to pay monetary relief under Section 20 and/or to pass order under Section 22 and/or to direct the petitioner to grant compensation for damage under Section 22 and/or to pass such interim orders as the Court deems just and proper under the Act. However, the petition of opposite party/wife was allowed in part with the observations thatthe petitioner was restrained from subjecting the opposite party to Domestic Violence in any manner, else he shall be liable as per law. The petitioner was

directed to provide residence to the opposite party in his residential house. It was also directed that the petitioner shall not be the reason of any disturbance in her stay or in the stay of her two children in any manner or the petitioner shall provide alternative accommodation for the wife opposite party if she chooses to stay in any other place suitable to the economic standard of the husband. The petitioner husband was directed to provide monetary relief to the opposite party to the tune of Rs.1000/- per month towards her maintenance and an amount of Rs.1000/- per month towards the maintenance of their children by the 1st week of each succeeding month from the date of application. The arrear of the maintenance shall be paid by the petitioner in 12 installments within one year from the date of the order.

4. Learned counsel for the petitioner submits that allegations as made against him is false, fabricated and motivated. Inter alia he took the plea that the opposite party/wife has got illicit relation with one Manoj Patel and once they were caught red-handed by him for which the matter was reported before the P.S. Sudargarh. Further the opposite party is serving as Sweeper in the Govt. Hospital and receiving monthly salary from the Govt. exchequer to maintain herself as well as her children. Hence, the order passed by the learned lower court is not tenable in the eye of law and liable to be set aside.

5. On perusal of the entire case record including the orders of the both the courts below, this Court is of the considered view

that the impugned order passed by the learned court directing the petitioner to pay Rs.2000/- per month is not at all a burden and stringency upon the petitioner. Therefore, no grounds are there to interfere with the impugned order.

6. In view of the above, the CRLREV is dismissed.

7.As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Office Order dated 7th January, 2022.

(S.K.Panigrahi)
Judge

LB