

IN THE HIGH COURT OF ORISSA AT CUTTACK
MATA No.44 of 2020

Pranati Sethy @ Pranati Majhi

Appellant
Mr.B.P.Dhal, Advocate

Vs.

Bipin Kumar Sethy

Respondent
Mr. P.K.Ray, Advocate

CORAM:

JUSTICE S.TALAPATRA
JUSTICE SAVITRI RATHO

ORDER
31.10.2022

Order No.
06.

1. This matter is taken up through hybrid mode.
2. We have heard Mr.B.P.Dhal, learned counsel appearing for the appellant, so also Mr. P.K.Ray, learned counsel for the respondent.
3. This appeal under Section 19 (1) of the Family Courts Act arises from the judgment dated 24.12.2019 delivered in Civil Proceeding No.190 of 2019 by the Judge, Family Court, Cuttack. By the said judgment, the marriage solemnized between the parties on 20.2.2013 has been declared dissolved. Consequently, the respondent-husband has also been directed to pay a sum of Rs.4,000/- per month to the appellant-wife as monthly maintenance till the respondent is married again. The

maintenance allowance, as aforementioned, has been directed to be paid from the date of filing of the application i.e. from 6.9.2016. That apart, the respondent-husband has been directed to pay a sum of Rs.1,00,000/- as one-time payment to the appellant-wife towards her education expenses. The said order directing payment of monthly maintenance and one-time payment of Rs.1,00,000/- has been challenged in the appeal.

4. Mr. Dhal, learned counsel for the appellant has conceded to the statement of Mr. Ray, learned counsel for the respondent that the appellant has been engaged recently as a contractual teacher on a consolidated sum of Rs.25,000/- per month. That apart, Mr. Ray, learned counsel has pointed out that the Government of Odisha has taken a policy decision to bring an end to the contractual engagements by regularizing the contractual employees. Therefore, there is no peril at all, so far the employment of the appellant is concerned.

5. Having regard to those statements, particularly to the statement relating to the engagement of the appellant, we are of the view that the amount which has been paid as maintenance amount should not be counted for any adjustment. That apart, the respondent shall pay a sum of Rs.1,00,000/- (Rupees one lakh) to the appellant, as directed by the Judge, within a period of fifteen days from today, else the said amount shall carry interest @ 6% from the date of the judgment i.e., 24.12.2019 till

the payment is made. Draw the decree accordingly. This decree shall be treated as money decree for purpose of realization of money through the process of the Court, in the event of failure of payment in the mode as prescribed hereunder.

6. Physical L.C.Rs, if any, received by the Registry be returned forthwith.

7. Before parting with records, we further direct that any streedhan, covered under Section 27 of the Act, if lying in the custody of the respondent, be returned to the appellant within a period of 6 (six) weeks from today.

8. In terms of the above, the appeal stands disposed of.

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

(S.Talapatra)
Judge

(Savitri Ratho)
Judge

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