

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 9640 OF 2020

Satyajit Beura

.... ***Petitioner***
Mr. B.K. Raj, Advocate

-versus-

Rajlaxmi Das

.... ***Opp. Party***
Mr. Biswa Ranjan Dalai, Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
19.09.2022

Order No.

6. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the order dated 19th February, 2020 (Annexure-5) passed in Civil Proceeding No.17 of 2017, whereby learned Judge, Family Court, Jagatsinghpur directed the Petitioner to pay *pendente lite* maintenance of Rs.15,000/- per month to the Opposite Party-Wife and also to pay litigation expenses of Rs.25,000/-.
3. Mr. Raj, learned counsel submits that the Petitioner is a jobless person and is depending upon his father for his sustenance and the Opposite Party-Wife is running a private tutorial at village Sailo and she is earning Rs.5,000/- per month. But the same was not taken into consideration by learned Judge, Family Court while assessing maintenance of amount and the impugned order was passed under Annexure-5. Hence, the impugned order requires re-consideration.
4. Mr. Dalai, learned counsel for the Opposite Party-Wife submits that the Petitioner has a garment shop and is earning a handsome amount from the same. The Petitioner's father has his residential house at a prima location, i.e. Sailashree vihar at Bhubaneswar. Hence, the plea of the Petitioner that he is

unemployed is unbelievable. Being the husband of the Opposite Party, the Petitioner has an obligation to maintain her as she is pursuing her studies at Bellamkonda Sudha College of Education, Bengaluru. The contention of the Petitioner that she is running a private tutorial at village Sailo is unfounded. Considering the matter in its proper perspective, learned Judge, Family Court has directed the Petitioner to pay *pendente lite* maintenance of Rs.15,000/- per month to the Opposite Party-Wife. As such, the same requires no interference.

5. Upon hearing learned counsel for the parties and on perusal of the record, it appears that the Petitioner does not disclose his income in the objection filed under Section 24 of the Hindu Marriage Act, 1955. The income of the Petitioner is within his special knowledge. When he has not led any evidence with regard to his income, learned Judge, Family Court has made guess work. Accordingly, considering the status that the Opposite Party-Wife would have maintained with the Petitioner and that she is pursuing her studies at Bengaluru, learned Judge, Family Court, Jagatsinghpur has passed the impugned order under Annexure-5. In absence of any materials to the contrary, I am not inclined to interfere with the impugned order under Annexure-5.

6. Accordingly, the writ petition being devoid of any merit stands dismissed.

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

(K.R. Mohapatra)
Judge