

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**RPFAM No.127 of 2018**  
**(Through video conferencing mode)**

***Madan Ku. Satpathy***

....

***Petitioner***

Mr. Anam Ch. Panda, Advocate

-versus-

***Priya Darshini Pati***

....

***Opposite Party***

Mr. Ramesh Ch. Ojha, Advocate

**CORAM: JUSTICE ARINDAM SINHA**

**ORDER**  
**04.02.2022**

**Order No.**

- 06.
1. Mr. Panda, learned advocate appears on behalf of petitioner husband. He submits, his client has applied for revision under sub-section (4) in section 19 of Family Courts Act, 1984. Impugned judgment dated 11<sup>th</sup> April 2018 is illegal and made with material irregularity. Net salary of his client was presumed to be Rs.30,000/- per month in directing interim maintenance at Rs.8,000/- per month. On query from Court he submits, he will produce his client's salary slip.
  2. Mr. Ojha, learned advocate appears on behalf of opposite party wife. On query from Court he submits, his client was unable to produce better evidence regarding her husband's income. He submits, his net income is more than Rs.30,000/- per month.

3. Court has ascertained that there is interim order directing petitioner to pay Rs.4,000/- per month as a condition for stay of execution.

4. Impugned judgment is set aside with direction upon petitioner to produce latest (January, 2022) salary slip within 15<sup>th</sup> February, 2022 before Family Court, Rourkela in Criminal Proceeding no.05 of 2014. On production of the salary slip said Court will proceed to rehear the criminal proceeding and determine interim maintenance to be paid to opposite party wife. During continuance of pendency of the criminal proceeding, petitioner husband will continue to pay interim maintenance at Rs.4,000/- (rupees four thousand) per month. Depending on order to be made in the criminal proceeding on rehearing, maintenance already paid under interim direction of this Court will be adjusted or set off.

5. In event petitioner does not produce his latest (January, 2022) salary slip before said Court by 15<sup>th</sup> February, 2022, impugned order will stand revived and interim order in the execution case stand vacated.

6. The petition is disposed of.

(Arindam Sinha)  
Judge

SL/Prasant