

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No. 136 OF 2018

Smt. Archana Panda and another ***Petitioners***
Ms. T. Sinha, Advocate

-versus-

Sri Pradeep Kumar Panda ***Opp. Party***
Mr. Debasis Tripathy, Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
19.12.2022

Order No.

4. 1. This matter is taken up through hybrid mode.
2. The Petitioners in this RPFAM seek to assail the order dated 23rd February, 2018 passed by learned Judge, Family Court, Baripada in CMC Case No.108 of 2015, whereby the Opposite Party has been directed to pay maintenance @ Rs.4,000/- per month to Petitioner No.1 and Rs.3,000/- to Petitioner No.2 (daughter) from the date of the order.
3. Ms. Sinha, learned counsel for the Petitioners submits that the relationship between the parties is not disputed. In view of the provision under Section 125(2) Cr.P.C., the Petitioners are entitled to maintenance from the date of the application in absence of any reason recorded in writing to the effect that they are entitled to the same from the date of the order. It is her submission that no reason whatsoever has been assigned in the impugned order as to why a direction has been made to pay the maintenance from the date of the order. As such, the impugned order may be modified to the extent of directing the Opposite Party to pay maintenance from the date of the application.
4. Mr. Tripathy, leaned counsel for the Opposite Party fairly concedes that no reason has been recorded in the impugned order

to the effect that the Petitioners are entitled to maintenance from the date of the order. However, Petitioner No.2 is not entitled to any maintenance from the date, she attains majority. Further the Petitioner No.2 has already attained her marriageable age. Due to non-cooperation of the Petitioner No.1, her marriage could not be settled as yet. Since it is the obligation of the Opposite Party to give marriage to the Petitioner No.2, a direction may be made that the parties may appear before the Secretary, DLSA, Baripada to make suitable arrangement to facilitate the matter of the Petitioner No.2.

5. Taking into consideration the submissions made by learned counsel for the parties, this Court is of the considered opinion and directs that the impugned order of maintenance shall be effective from the date of the application filed under Section 125 Cr.P.C. However, the Petitioner No.2 shall be entitled to maintenance till she attained majority. Further it is directed that the parties shall appear before the learned Judge, Family Court, Baripada, who shall make an arrangement for their appearance before of the Secretary, DLSA, Baripada to facilitate the marriage of the Petitioner No.2 with cooperation of Petitioner No.1. To avoid any further delay, parties are also directed to appear before learned Judge, Family Court, Baripada along with this order on 6th January, 2023 to receive further instruction in the matter.

6. With the aforesaid observation and direction, this RPFAM is disposed of.

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

(K.R. Mohapatra)
Judge