

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No. 85 OF 2022

Sanjay Kumar Satapathy ***Petitioner***

Mr. Umakanta Barik, Advocate

-versus-

Sanghamitra Satapathy and another ***Opp. Parties***

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
01.11.2022**

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this RPFAM seeks to assail the order dated 19th February, 2022 (Annexure-1) passed in Cr.P. No.50 of 2019, whereby learned Judge, Family Court, Nabarangpur directed him to pay Rs.3,000/- per month to Opposite Party No.1 and Rs.2,000/- per month to Opposite Party No.2 as maintenance with effect from the date of filing of application under Section 125 Cr.P.C. i.e. on 3rd December, 2019.
3. Mr. Barik, learned counsel for the Petitioner submits that a proceeding under the Protection of Women from Domestic Violence Act, 2005 is pending before learned J.M.F.C., Umerkote in M.C. No.01 of 2017. The Petitioner is ready and willing to accept the Opposite Parties. Instead of cooperating with the Petitioner, Opposite Parties have filed the proceeding under Section 125 Cr.P.C. for maintenance to harass the Petitioner. The Petitioner is working in a bangle shop and his monthly income is very meager to meet with the direction of the

family Court. Hence, he submits that quantum of maintenance requires reconsideration.

4. Upon hearing learned counsel for the Petitioner and on perusal of the record, it appears that the relationship between the parties is not disputed. No evidence with regard to income of the Petitioner has been adduced by him to justify his claim. It further appears that although the Petitioner had taken a plea that Opposite Party No.1 has sufficient means to maintain herself along with their child, but he could not substantiate the same by adducing evidence to that effect. In absence of any materials with regard to income of the Petitioner, learned Judge, Family Court, Nabarangpur had to make a guess work and considering the status of the parties and cost of living directed to pay maintenance as above. In absence of any materials on contrary, I am not inclined to interfere with the findings as well as direction made by learned Judge, Family Court, Nabarangpur.

5. Accordingly, this RPFAM being devoid of any merit stands dismissed.

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

(K.R. Mohapatra)
Judge

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