

IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No. 126 of 2017

Sanjib Kumar Puthal

.....

Appellant

Mr. P.C. Jena, Advocate

-versus-

Minati Mohapatra

.....

Respondent

Mr. K.K. Jena, Advocate

CORAM:

JUSTICE S. TALAPATRA

JUSTICE M.S. SAHOO

ORDER

20.10.2022

Order No.

10.

1. This matter is taken up through hybrid mode.
2. Heard Mr. P.C. Dash, learned counsel appearing on instruction of Mr. P.C. Jena, learned counsel for the Appellant and Mr. K.K. Jena, learned counsel appearing for the Respondent.
3. It may be noted at the outset that, this appeal has been filed under Section 19(1) of the Family Courts Act, 1984. We have taken up the cross-objection filed by the Respondent seeking enhancement of the quantum of the permanent alimony along with this appeal for disposal by a common order. Neither of the parties has challenged the judgment dated 12.09.2017 so far as the decree of divorce is concerned. Though the Respondent filed an appeal being MATA No.171 of 2017 challenging the decree of divorce, but that has been not pressed and accordingly the same has been dismissed. From the judgment that has been impugned in this appeal i.e. the judgment dated 12.09.2017 delivered in Matrimonial Suit

No.57 of 2015 by the Judge, Family Court, Baripada, Mayurbhunj, it appears that while granting the decree of divorce, the Judge, Family Court has granted the permanent alimony of Rs.10,00,000/-, to be paid by the Appellant within a period of three months from the date of the said judgment. It has been noted that the marriage that subsisted between the parties has been dissolved by decree of divorce.

4. Mr. Dash, learned counsel has submitted that the Appellant has additional financial liabilities beyond the costs of looking after his family and as such, the said amount of permanent alimony is unrealistic and prejudicial to him. The said amount requires to be reduced.

5. From the other side, Mr. Jena, learned counsel has submitted that the Appellant is sufficiently well-off and he has sufficient resource to pay the permanent alimony to an higher extent. The Appellant is a Government Officer in the Revenue Department. It is not controverted. Moreover, his family has landed properties. We have also seen his Salary Certificates which were filed in the proceeding before the Judge, Family Court, Baripada. From these, it appears that the Appellant has been working as the Revenue Inspector.

6. On taking a holistic view of all these materials noted above, we are of the considered view that the quantum of the permanent alimony as directed to be paid by the Appellant should be enhanced to Rs.12,00,000/- (Rupees twelve lakhs). It is ordered accordingly. The alimony shall be paid within two months from today.

7. In terms of the above observation and direction, the appeal stands dismissed, whereas the cross-objection as filed by the Respondent stands partly allowed.

8. Decree be drawn accordingly.

9. Send down the LCRs, if the same is lying with the Registry.

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

(S. Talapatra)
Judge

(M.S. Sahoo)
Judge

Murmu

