

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No. 161 of 2018

Rashmita Ranasingh

.....

Petitioner

Mr. Pradip Kumar Ray, Advocate

-versus-

Debasish Swain

....

Opp. Party

Mr. Mana Mohanty Pattnayak, Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

06.05.2022

Order No.

10. 1. This matter is taken up through Hybrid mode.
2. This RPFAM has been filed assailing order dated 9th November, 2017 (Annexure-9) passed in Criminal Proceeding No.33 of 2013, whereby learned Judge, Family Court, Bhubaneswar allowing an application filed by the Petitioner-wife under Section 125 Cr.P.C., directed the present Opposite Party to pay maintenance at the rate of 8,000/- per month to the Petitioner from the date of filing of such application dated 27th February, 2013 instead of Rs.15,000/- per month as claimed by the Petitioner.
3. Mr. Ray, learned counsel for the Petitioner submits that the guess work made by learned Judge, Family Court, Bhubaneswar in coming to the conclusion that the Opposite Party was receiving Rs.30,000/- salary per month is not justified. Ext.1 clearly stipulates that the salary of the Opposite Party for the month of October, 2016 was Rs.36,000/-. Thus, there is no discussion of Rs.36,000/- salary while assessing the monthly income of the Opposite Party. He further submits that the Opposite Party has other source of income. Hence,

maintenance awarded in favour of the present Petitioner requires enhancement.

4. Mr. Pattanayak, learned counsel for the Opposite Party vehemently objects to the above submission and contends that the assessment itself is erroneous and the Opposite Party has preferred RPFAM No.315 of 2017 assailing the same, which has been dismissed by a separate order of the even date. As such, the impugned order needs no interference.

5. Taking into consideration the rival contentions of the parties and the finding arrived at during adjudication of RPFAM No.315 of 2017 (connected RPFAM) and the order passed today therein, I am not inclined to interfere with the order impugned herein.

6. Accordingly, the instant RPFAM stands dismissed being devoid of any merit.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge

s.s.satapathy