

IN THE HIGH COURT OF ORISSA AT CUTTACK
RPFAM No.91 of 2022

Papu Palo

Petitioner

Mr. Bibhuti Bhusan Ray, Advocate

-versus-

Jhumuri Pujari and another

.... ***Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
26.10.2022

Order No.

IA No.135 of 2022

3. 1. This matter is taken up through hybrid mode.
2. This application has been filed for condonation of delay in filing the RPFAM. However, Office has pointed out that there is no delay in filing the RPFAM. Hence, no order is required to be passed in this IA.
3. The IA is disposed of accordingly.

(K.R. Mohapatra)
Judge

4. **RPFAM No.91 of 2022**

1. Petitioner in this RPFAM seeks to assail the order dated 23rd October, 2021 (Annexure-1) passed in Criminal Proceeding No.187 of 2019, whereby he has been directed to pay monthly maintenance of Rs.4,000/- (at the rate of Rs.2,000/- per month to each of the Opposite Parties) to the Opposite Parties from the date of filing of the petition under Section 125 Cr.P.C., i.e., 23rd July, 2019.
2. Mr. Ray, learned counsel submits that the Petitioner is jobless and he has no source of income. Hence, he is not in a position to pay Rs.4,000/- per month as maintenance to

Opposite Parties. The family Court under a misconception that the Petitioner is solvent person and has independent source of income, directed the Petitioner to pay the maintenance. He, therefore, submits that the quantum of maintenance directed to be paid by the Petitioner warrants reconsideration.

3. Upon hearing learned counsel for the Petitioner and on perusal of the record, it appears that the Petitioner has not led any evidence with regard to his income. Further, the Opposite Parties have led evidence to the effect that the Petitioner is the owner of a Honda motorcycle. There is no dispute with regard to the relationship between the parties. It further appears that the Petitioner is an able-bodied person and has the obligation to maintain his wife and child. As such, grant of Rs.2,000/- per months as maintenance to each of the Opposite Parties does not appear to be unreasonable taking into consideration the cost of living. Hence, this Court finds no infirmity in the impugned order.

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

(K.R. Mohapatra)
Judge

s.s.satapathy