

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLREV No. 260 of 2022

***Partha Sarathi Panda and
others***

....

Petitioners

Md. G. Madani, Advocate

-Versus -

Smt. Priyanka Priyadarsani Panda

....

Opposite Party

Mr. N. Lenka, Advocate

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

03.11.2022

Order No.

5.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the opposite party.
3. The petitioner No.1, being the husband and petitioner nos. 2 and 3 have challenged the judgment dated 20.05.2022 passed by learned Additional Sessions Judge, Bhadrak in Criminal Appeal No.23 of 2016 whereby the order dated 23.04.2016 passed by learned S.D.J.M., Bhadrak in D.V. Misc. Case No.415 of 2011 was confirmed. As per the said order passed by learned S.D.J.M., the petitioner no.1 was directed to pay Rs.5,000/- towards enhanced monthly maintenance to his wife-opposite party and Rs.3,000/- to his son every month from the date of the order. The petitioners preferred appeal which, as already stated, was rejected. In the meantime, for non-payment, the arrear maintenance amount swelled to Rs.6,07,547/-. The petitioner no.1 paid Rs.2 lakh to the opposite party upon an execution case being filed against him leaving the arrear maintenance amount of Rs.4,07,547/-. Learned

S.D.J.M., Bhadrak, by order dated 26.07.2022 directed the aforesaid balance amount of Rs.4,07,547/- to be paid in eight equally monthly installments @ Rs.51,000/- per installment, payable by 10th of each month beginning from August, 2022 with further direction to pay Rs.8,000/- per month as current interim maintenance. By order dated 10.08.2022 passed by this Court in I.A.No. 515 of 2022, this Court noted the above mentioned facts and directed that the petitioner no.1 shall pay the current interim maintenance amount of Rs.8,000/- and Rs.20,000/- towards arrear interim maintenance on 12th August, 2022 as a condition for not taking coercive steps against him. It is submitted that the petitioner no.1 has, in the meantime deposited the arrear maintenance amount of Rs.20,000/- for the months of August, September and October.

4. Mr. Lenka, learned counsel appearing for the wife does not dispute such contention. It is further submitted that the current dues of Rs.8,000/- are being paid regularly.

5. It is submitted by learned counsel for the parties that the revision may be disposed of directing the petitioner no.1 to pay the current interim maintenance amount at Rs.8,000/- and by reducing the amount of monthly installments reasonably.

6. Having considered the submissions as above and taking note of the facts and circumstances of the case, the criminal revision is disposed of by modifying orders dated 23.04.2016 and 26.07.2022 passed by learned S.D.J.M., Bhadrak only to the following extent:-

- (1) The petitioner No.1 shall pay Rs.8,000/- towards current interim maintenance to the opposite party-wife every month.

(2) The balance arrear maintenance amount shall be paid in 12 equal monthly installments with each installment being determined by learned court below.

7. With these observations and directions, the CRLREV is disposed of.

(Sashikanta Mishra)
Judge

B.C. Tudu

