

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No. 316 of 2022

Biswanath Pradhan* *Petitioner

Mr.B.B. Routray, Advocate

-versus-

1. Jatra Pradhan* *Opp.Party

***2. Subrata Pradhan* ... *Proforma*
3. Nirmala Sahoo *Opp. Parties***

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
19.07.2022**

Order No.

01. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

Heard the learned counsel for the petitioner.

The petitioner Biswanath Pradhan has challenged the order dated 21.05.2022 passed by the learned S.D.J.M., Talcher in CMC No.288 of 2021 in directing him to pay interim maintenance amount of Rs.6,000/- (rupees six thousand) per month to the Opposite Party Jatra Pradhan within 10th day of each month from the date of order till final disposal of the case failing which the Opposite Party would be at liberty to realize the same in due process of law.

There is no dispute that the Opposite Party Jatra Pradhan is the mother of the petitioner and her husband Sikhar Pradhan is dead. The Opposite Party filed a petition under section 125 of Cr.P.C. in the Court of learned S.D.J.M., Talcher making the petitioner as Opposite Party No.1 and his other son Subrat Pradhan and Nirmala Sahoo, the widow of the another son Rohit Pradhan, as proforma Opposite Party Nos.1 and 2 respectively. In the petition under section 125 of Cr.P.C., it is specifically stated that the petitioner is serving as a Foreman in-charge under General Manager, Bhubaneswari Area, MCL in the district of Angul and is getting a salary Rs.1,10,000/-(rupees one lakh ten thousand) per month but he is continuously neglecting and refusing to maintain the Opposite Party. It is further stated that the Opposite Party is an old aged lady having no means to maintain herself after the death of her husband. A petition was filed on 23.10.2021 by the Opposite Party seeking for interim maintenance of Rs.10,000/-(rupees ten thousand) per month from the petitioner. The learned S.D.J.M. after hearing both sides, came to hold that whether the Opposite Party has sufficient means or not would be decided at the conclusion of the trial, but taking into account the service of the petitioner and the age of the Opposite Party, directed the petitioner to pay an interim maintenance of Rs.6,000/-(rupees six thousand) per

month to the petitioner every month.

Mr. B.B. Routray, learned counsel for the petitioner contended that there was an agreement vide Annexure-4 in the year 2013 which was held in the chambers of the Sub-Collector, Talcher in which it was decided that the petitioner will pay a sum of Rs.4,000/-(rupees four thousand) to the Opposite Party and her husband Sikhar Pradhan (father of the petitioner). It is argued that after death of the father of the petitioner, the petitioner is continuously paying a sum of Rs.2,000/- (rupees two thousand) to the Opposite Party and when the Opposite Party herself has arrayed another son Subrat Pradhan as proforma Opposite Party No.1, the impugned order passed by the learned S.D.J.M., Talcher, directing the petitioner to pay the entire interim maintenance amount was not proper and justified and therefore, the same may be modified. Learned counsel for the petitioner fairly submitted that notice on proforma Opposite Party No.2 was made sufficient in the Court below but he has not engaged any counsel to contest the case.

No document has been produced before this Court to show that in pursuance of any agreement under Annexure-4 dated 30.09.2013, any maintenance amount was paid to the Opposite party Jatra Pradhan. Moreover, the petition for interim maintenance was filed only against the petitioner and the learned S.D.J.M. considering the

service of the petitioner, his service and the age of the Opposite Party, directed the petitioner to pay a sum of Rs.6,000/-(rupees six thousand) per month, which now a days under no stretch of imagination can be said to be excessive, particularly when there may also be necessity of spending some amount for the medical expenses apart from food and clothing of the Opposite Party. Therefore, I am not inclined to interfere with the impugned order.

Accordingly, the revision petition stands dismissed.

(S.K. Sahoo)
Judge



PKSahoo