

IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No. 150 of 2017

Chidananda Nayak

.....

Appellant

Ms. T. Sinha, Advocate

-versus-

Manoranjan Nayak

.....

Respondent

CORAM:

JUSTICE S. TALAPATRA

JUSTICE SAVITRI RATHO

ORDER

03.11.2022

Order No.

12.

1. This matter is taken up through hybrid mode.
2. Heard Ms. T. Sinha, learned counsel appearing for the Appellant.
3. None appears for the Respondent despite due service of notice.
4. By means of this appeal, the judgment dated 31.08.2017 delivered in C.P. No.238 of 2012 by the Judge, Family Court, Rourkela has been challenged. By the said judgment, the Judge, Family Court, Rourkela has allowed the application, filed by the Appellant herein under Section 25 of the Hindu Adoptions and Maintenance Act enhancing the maintenance allowance from Rs.600/-, which was determined by the order dated 27.06.2007 delivered in C.P. No.89 of 2005, filed under Section 20 of the Hindu Adoptions and Maintenance Act. The maintenance allowance of Rs.600/- has been enhanced to Rs.1,000/-, payable from the date of the said

order i.e. 31.08.2017. Being aggrieved by the said determination this appeal has been filed seeking enhancement.

5. Ms. T. Sinha, learned counsel appearing for the Appellant has fairly submitted that, since the Appellant was born on 24.02.2004, he has attained the majority by now. Therefore, his claim for maintenance allowance will be restricted to 23.02.2022, as on that day, he had attained the age of 18 years. Ms. Sinha, learned counsel has further submitted that, in the days of spiraling price, Rs.1000/- cannot be considered as the reasonable monthly allowance for maintenance. Even a small child, cannot survive on the said amount. That apart, Ms. Sinha, learned counsel has drawn our attention to the affidavit filed by the Additional District Education Officer, Sambalpur on 29.07.2022, in compliance of this Court's order dated 12.07.2022. In the said affidavit, particularly Para-3, it has been averred as follows:

“That it is submitted that the respondent who has been serving as Hindi Teacher at Kinabaga Panchayat High School in the district of Sambalpur, has been receiving monthly salary of Rs.43,099/- as gross amount and after deduction he has been getting of Rs.42,899/-, which amount is the home take salary of the respondent as on 30.04.2022, as would be evident from the monthly salary certificate, a copy of which is filed as Annexure-A.”

It has been further submitted that the Respondent has been serving as Hindi Teacher in Kinabaga Panchayat High School in the district of Sambalpur and receiving the gross monthly salary of Rs.43,099/-. After deduction, he has been getting Rs.42,899/-. That amount is the home-take salary of the Respondent as on 30.04.2022. This fact of salary is borne in the monthly Salary Certificate, a copy of which is filed as Annexure-A.

6. We have perused the monthly Salary Certificate as issued by the competent authority, Annexure-A to the said affidavit filed by the Additional District Education Officer, Sambalpur. We are quite satisfied that further enhancement in the amount of the maintenance allowance is required. Financial status of the Respondent is reflected, to some extent, in the Salary Certificate, Annexure-A to the affidavit filed by the Additional District Education Officer, Sambalpur. Hence, we enhance the maintenance allowance further to Rs.2,500/- (Rupees two thousand five hundred) per month with effect from 31.08.2017 till 23.02.2022, the day of attaining majority by the Appellant. The arrear maintenance allowance, in terms of this order, shall be paid within a period of four months from today, subject to condition that, the Appellant shall furnish a copy of this order to the Respondent by Registered Post with A.D. and its delivery shall be ascertained by the Appellant.

7. In terms of the above, this appeal stands partly allowed.

8. Draw the decree accordingly.
9. Urgent certified copy of this order be granted as per rules.

(S. Talapatra)
Judge

(Savitri Ratho)
Judge

Murmu

