

IN THE HIGH COURT OF ORISSA AT CUTTACK
MATA No.110 of 2019

Soudamini Behera

.....

Appellant

Mr. Bibhuti Keshari Biswal,
Advocate

Vs.

Adindra Behera

.....

Respondent

Mr. S.K.Pradhan, Advocate

CORAM:

JUSTICE S.TALAPATRA
JUSTICE SAVITRI RATHO

ORDER

23.11.2022

Order No.

09.

1. This matter is taken up through hybrid mode.
2. Heard Mr. Bibhuti Keshari Biswal, learned counsel appearing for the appellant and Mr.S.K.Pradhan, learned counsel appearing for the respondent.
3. By means of this appeal, filed under Section 19 (1) of the Family Courts Act, 1984, the judgment dated 9.7.2018 delivered in Civil Proceeding No.32 of 2016 by the Judge, Family Court, Sambalpur has been challenged on the solitary ground that at the time of passing the decree of divorce, the Judge, Family Court, Sambalpur did not settle the permanent alimony or the amount of maintenance for sustenance of the appellant. The appellant has asserted that she has not challenged the decree of divorce, but she is entitled to get the permanent alimony from the respondent as she does not have adequate income for leading a decent life.
4. Mr. Biswal, learned counsel appearing for the appellant has submitted that the respondent has sufficient resources to provide a

reasonable alimony to the appellant but he has not come forward with any proposal for payment of the permanent alimony. He has not even truthfully disclosed his source of income and resources. However, having interacted with the counsel for the parties, we have gathered that the respondent run a food joint in the joint family building. The said building is also rented. That apart the respondent has other small seasonal businesses.

5. Mr. Pradhan, learned counsel appearing for the respondent has fairly submitted that the resource of the respondent is very limited and as such, he has expressed his inability to pay the alimony as suggested by this Court by the order dated 04.08.2022.

6. Having taken a holistic view, we direct the respondent to pay a sum of Rs.10.00 lakhs (Rupees ten lakhs) as the permanent alimony to the appellant and the said sum shall be paid within a period of three months from today. In the event of failure, the said amount shall carry interest @ 6% from the date of passing of the decree of divorce. It is needless to say that this decree shall be treated as a money decree for purpose of execution.

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

8. Draw the decree accordingly.

9. Urgent certified copy of this order be granted as per rules.

(S.Talapatra)
Judge

(Savitri Ratho)
Judge

