

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 18984 of 2022

Dr. Shakti Prasad Sahoo

..... Petitioner

Mr. Sidharth Mishra, Advocate

-versus-

Swarna Prava Sahu

.... Opp. Party

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

08.09.2022

Order No.

2.
 1. This matter is taken up through Hybrid mode.
 2. Petitioner in this writ petition seeks to assail the order dated 20th January, 2022 (Annexure-11) by which learned Judge, Family Court, Balasore allowing an application under Section 24 of the Hindu Marriage Act, 1955 (for short, 'the Act'), directed the Petitioner to pay *pendente lite* maintenance at the rate of 10,000/- per month from the date of application, i.e., 21st February, 2017 and also directed to pay litigation expenses of Rs.15,000/- to the Opposite Party.
 3. Mr. Mishra, learned counsel for the Petitioner submits that he does not challenge the quantum of *pendente lite* maintenance granted in favour of the Opposite Party, but during pendency of the Civil Proceeding, the Opposite Party was staying with the Petitioner for a period of two years. Thus, she is not entitled to get the *pendente lite* maintenance for those two years. This aspect ought to have been taken into consideration by learned Judge, Family Court while adjudicating the matter. It is, however, submitted that the said fact could not be brought to the notice of the learned Judge, Family Court while adjudicating the

petition under Section 24 of the Act. He, therefore submitted that a liberty should be given to the Petitioner to raise the said issue to reconsider the period for which the Opposite Party is entitled to arrear maintenance.

4. Taking into consideration the submission of learned counsel for the Petitioner, this Court feels that the contention raised by Mr. Mishra, learned counsel requires reconsideration.

5. Accordingly, the writ petition is disposed of with a direction that in the event the Petitioner files an application for reconsideration of the period of entitlement of the Opposite Party to receive arrear maintenance, within a period of ten days hence along with certified copy of this order, the same shall be considered by learned Judge, Family Court, Balasore giving opportunity of hearing to the parties concerned. Till disposal of such application if filed within the time stipulated above no coercive measure for realization of arrear maintenance pursuant to impugned order under Annexure-11 shall be taken against the Petitioner.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge