

IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No. 106 of 2016

***Himansu Kumar Panda @
Himansu Panda***

***..... Appellant
Mr. R.K. Mohapatra, Advocate***

-versus-

Smt. Ashalata Panda and Anr.

Respondents

**CORAM:
JUSTICE S. TALAPATRA
JUSTICE M.S. SAHOO**

**ORDER
19.07.2022**

**Order No.
05.**

1. This matter is taken up through hybrid mode.
2. Mr. R.K. Mohapatra, learned counsel appearing for the Appellant has at the threshold apprised this Court that the initiative for reconciliation of the matrimonial discords has fallen through. In view of the above statement, we have taken up this appeal for consideration.
3. It appears that the judgment dated 23.7.2016 delivered in C.P. No.259/2013 is under challenged in this appeal, filed under Section 18 of the Hindu Adoptions and Maintenance Act. After the pleadings were exchanged and evidence was recorded, the Judge, Family Court, Berhampur, by the above judgment has held that the Petitioners (Respondents herein) are entitled to maintenance from the Appellant, who was the Respondent in the proceeding in the

Court below. The Judge, Family Court, Berhampur has determined the monthly maintenance in the following manner:
“The Petitioner No.1-Rs.6,000/- (Rupees Six thousand). Petitioner No.2-Rs.3,000/- (Rupees Three thousand) and an additional amount of Rs.2,000/- (Rupees two thousand) has been awarded for residence”.

4. In Paragraph-13 of the judgment, the Judge, Family Court, Berhampur has recorded the following finding:

“Ext.A the Salary Statement of the respondent shows his gross pay is Rs.25,686/- in October 2015. In the meantime he must have been received increment in accordance with his pay. Though his net pay shows Rs.9845/- it is due to heavy deduction towards the G.P.F. and other loans and that no way be a protection for the respondent denying maintenance to the petitioner.”

5. Mr. R.K. Mohapatra, learned counsel has tried to persuade us that the Appellant has other dependants, such as, his parents and one dependant sister and the Appellant is required to spend for their maintenance also.

6. Mr. S.K. Pradhan, learned counsel appearing for the Respondents was present at the time of this hearing, but we have not afforded him any opportunities to make his submission. Having revisited the findings, based on which the maintenance has been determined, we do not find any reason to disturb the determination by the Judge, Family Court, Berhampur in as much as in the time of rising price index, those are minimum for bare livelihood.

7. For the reason, as recorded above, we are inclined to dismiss this appeal at this stage.
8. Accordingly, the appeal is dismissed.
9. Draw the decree accordingly.
10. Interlocutory Applications, if any, pending are disposed of, in view of this order.

Murmu

