

IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No. 94 of 2020

Rita Prasad

....

Appellant

Mr. A.C. Panda, Advocate

-versus-

Harindra Prasad

....

Respondent

Mr. D.K. Mohanty, Advocate

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

ORDER

Order No.

26.09.2022

- 6.** **1.** This matter is taken up through hybrid mode.
- 2.** Heard Mr. A.C. Panda, learned counsel appearing for the appellant and also Mr. D.K. Mohanty, learned counsel appearing for the respondent.
- 3.** This is an appeal U/s. 19(1) of the Family Courts Act, 1984 from the judgment dated 07.02.2020 delivered in C.P. No.82 of 2016 by the Judge, Family Court, Rourkela, Sundargarh. By the said judgment dated 07.02.2020, the marriage that was subsisting between the parties has been dissolved and the decree of divorce has been accordingly issued. That apart, at the time of passing the decree of divorce, the Judge, Family Court had directed the respondent to pay the

permanent alimony of Rs.5,00,000/- (Rupees five lakhs) to the appellant herein.

4. Mr. Panda, learned counsel for the appellant has stated that the no amount has been paid on that account. It is to be noted that in this appeal, the part of the judgment so far it is concerned with the dissolution of marriage has not been questioned by the appellant. Here the challenge is confined to the quantum of the alimony, which according to her, is grossly inadequate for a decent life.

5. It is also to be noted that a cross objection has been filed by the respondent herein, but Mr. D.K. Mohanty, learned counsel for the respondent, at the outset, has submitted that he has instruction to not press the cross objection. Therefore, the solitary question that we have to address is whether the quantum of permanent alimony as determined by the Judge, Family Court is just and proper.

6. The respondent is admittedly serving under the Steel Authority of India Limited, Rourkela Steel Plant,

Rourkela as Senior Executive. From the salary statement, which has been admitted as Ext.A in the proceeding being C.P. No.82 of 2016, it appears that his gross monthly salary was Rs. 53,686/- in the month of April, 2018. From that amount, sum of Rs.33,278/- used to be deducted on various heads. The respondent used to get a sum of Rs. 20,408/-.

7. We have reasons to believe that during the last four years, the salary has increased along with other service benefits.

8. Mr. Mohanty, learned counsel appearing for the respondent has submitted that at the time of determining the quantum of alimony, the conduct of the appellant be taken into consideration. She was negligent about her matrimonial obligations and for her cruelty, the marriage has come to an irretrievable end.

9. We have taken into consideration the resource/earning of the respondent, the conduct of the parties and the need of the respondent. It has also been stated before us that the appellant is getting

Rs.2000 per month as per the order of the Magistrate passed in a proceeding under the Protection of Women from Domestic Violence Act, 2005.

10. Having considered all relevant aspects and on negotiating the comparative financial status of the parties, we are of the view that the alimony has to be increased. In our considered opinion, the alimony has to be Rs.10 lakhs (Rupees Ten Lakhs) to be paid at a time.

11. Having observed thus, we direct the respondent to pay a sum of Rs. 10 lakhs as the permanent alimony to the appellant within a period of two months from the date of decree. We also clarify that the allowance that the respondent has been paying @ Rs.2000/- per month will not be required to be paid, any longer but only after the permanent alimony, as directed, is paid. A copy of this order be placed to the Court of the JMFC, Rourkela, who is in seisin of the proceeding under the Protection of Women from Domestic Violence Act, 2005 so that the order as above, is noticed by the Magistrate.

12. It is made clear that if the said amount is not paid, within the stipulated time, the amount of alimony, as quantified above, shall carry interest @ 7% per annum from the date of this decree.

13. Consequently, the appeal stands allowed in terms of the above.

14. The decree shall be drawn. LCRs, if received, be sent down after preparation of decree.

15. Urgent certified copy be granted as per rules.

