

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**RPFAM NO. 195 OF 2022**

***Ajit Kumar Tripathy***

....

***Petitioner***

Mr. Neelakantha Panda, Advocate

*-versus-*

***Lira Tripathy and another***

....

***Opp. Parties***

**CORAM:**

**JUSTICE K.R. MOHAPATRA**

**ORDER**

**21.10.2022**

**Order No.**

1. This matter is taken up through hybrid mode.
2. The Petitioner in this RPFAM seeks to assail the order dated 9<sup>th</sup> August, 2022 (Annexure-1) passed in Criminal Proceeding No. 02 of 2021, whereby learned Judge, Family Court, Jeypore directed him to pay maintenance of Rs.3,000/- to the Opposite Party No. 1 (wife) and to pay Rs.5,000/- to the Opposite Party No. 2 (son) from the date of application i.e. 4<sup>th</sup> January, 2021.
3. Mr. Panda, learned counsel for the Petitioner submits that status of the parties is not disputed. The Petitioner is only assailing the quantum of maintenance granted in favour of Opposite Parties. It is his submission that the Petitioner has only 30 cents of land in his name and he has no personal income. He cultivates the land recorded in the name of his father. He earns Rs.1,44,000/- per annum. The Petitioner has also purchased the landed property as well as two passengers Auto Rickshaws in the name of Opposite Party No.1. The Opposite Party No. 1 is serving in a School and Opposite Party No.2 is studying in the said School without paying any fees. These aspects were not considered by learned Judge, Family Court, Jeypore while

determining the quantum of maintenance. Hence, this RPFAM has been filed.

4. Upon hearing learned counsel for the Petitioner and on perusal of the record, it appears that the Petitioner has annexed his income certificate issued by the Tahasildar, Kotpad on 5th September, 2018 to the RPFAM, but it is not understood as to why said document was not exhibited before learned Family Court by the Petitioner. It is further admitted that the Petitioner has purchased landed properties and two passengers Auto Rickshaws in the name of Opposite Party No.1, which shows his status of living. The income of the Petitioner is in his special knowledge. No evidence has been adduced by the Petitioner with regard to his income.

5. In view of the above, learned trial court taking into consideration the status of the Petitioner and requirement of Opposite Parties has granted maintenance. In absence of any material to the contrary, I am not inclined to interfere with the impugned order under Annexure-1.

6. Accordingly, the RPFAM being devoid of any merit stands dismissed.

Urgent certified copy of this order be granted on proper application.

bks

**(K.R. Mohapatra)**  
**Judge**