

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No.212 of 2022

Satyanarayan Panigrahi @ Panigrahy* *Petitioner
Mr. B.Mohanty, Advocate

-versus-

Bandana Panigrahi* *Opp. Party

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
06.12.2022**

Order No.

3. 1. This matter is taken up through Hybrid mode.
2. Petitioner in this RPFAM seeks to assail the judgment and order dated 15th July, 2022 (Annexure-3) passed by learned Judge, Family Court, Berhampur, Ganjam in Criminal Proceeding No.195 of 2019, wherein the Petitioner has been directed to pay maintenance of rs.15,000/- per month to the Opposite Party from the date of application, i.e., 3rd August, 2019.
3. Mr. Mohanty, learned counsel for the Petitioner submits that the take-home salary of the Petitioner was Rs.54,837/- per month during the relevant period. He has his old ailing mother and an unmarried sister dependent upon him. The said aspect was not taken into consideration by learned Judge, family Court while determining the quantum of maintenance. It is very difficult on the part of the Petitioner to pay maintenance as directed, in view of obligations of the Petitioner apart from maintaining his wife. Hence, he prays that the quantum of maintenance requires reconsideration.

4. Considering the submission made by learned counsel for the Petitioner, this Court perused the impugned order, which reveals that the Petitioner has categorically submitted that he was getting Rs.68,188/- per month as his gross salary. It is, however, contended that his net salary is Rs.54,837/- per month. While determining the quantum of maintenance, the Court has to take into consideration the status of the wife which she would have maintained being with the husband. No doubt, the Petitioner has also the obligation of maintaining his dependants like his old mother and unmarried sister. But that does not absolve the Petitioner from the obligation to maintain his wife. Law is well-settled that the wife is entitled to 1/4th of the salary of the Petitioner as maintenance. While determining the income of the husband, the Court should take into consideration the statutory deductions only and not the voluntary deductions. In the instance case, there is no material on record to show that the net salary of the Petitioner is Rs.54,837/- per month after deducting the statutory deductions only. In view of the above, this Court finds that learned Judge, Family Court has committed no error in determining the quantum of maintenance.

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

(K.R. Mohapatra)
Judge