

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No. 224 OF 2022

Manas @ Manasa Ranjan Samanta* *Petitioner

Mr. Prakash Ranjan Barik, Advocate

-versus-

Banasmita Samanta

.... *Opp. Party*

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

20.12.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Order dated 23rd August, 2022 (Annexure-3) passed by learned Judge, Family Court, Bhadrak in Criminal Proceeding No.156 of 2021 is under challenge in this RPFAM, whereby the Petitioner has been directed to pay maintenance @ Rs.15,000/- per month to the Opposite Party-Wife from the date of filing of the petition filed under Section 125 Cr.P.C. i.e. on 28th July, 2021.
3. Mr. Barik, learned counsel submits that the gross salary of the Petitioner is Rs.66,595/- per month. At the relevant time, the Petitioner was working as Superintendent of Sub-Jail, Salepur. The take home salary of the Petitioner is Rs.50,000/- per month and he has his widow mother, depending upon him. As such, the quantum of maintenance determined by learned Judge, Family Court is excessive and not proportional to the income as well as need of the Petitioner. He, therefore, prays for re-consideration the quantum of maintenance.
4. Taking into consideration the submission made by learned counsel for the Petitioner and on perusal of the record,

it appears that the Petitioner has not made any endeavour to file any document with regard to either his income or his expenses. It is the Opposite Party-Wife, who produced salary slip of the Petitioner, which is marked as Ext.P-1. The salary slip of the Petitioner discloses that his gross income was Rs.66,595/- per month. It is also borne out from the record that the Petitioner has some income from his landed properties. Law is well settled that the wife is entitled to 1/4th share of the salary of the Petitioner towards maintenance. In absence of any materials to the contrary, this Court is not in a position to accept the submission of Mr. Barik, learned counsel for the Petitioner with regard to expenses, he is incurring for maintenance of her mother.

5. In view of the above, this Court finds no reason to interfere with the impugned order under Annexure-3.

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

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

(K.R. Mohapatra)
Judge

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