

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No. 274 OF 2019

Rama Chandra Sethi

....

Petitioner

Mr. Himanshu Bhusan Dash,
Advocate

-versus-

Charubala Sethi

....

Opp. Party

Mr. D.C. Dey, Advocate
Mr. M.K. Rath, Advocate

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

**ORDER
14.03.2022**

Order No.

9. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this petition seeks to assail the order dated 14th August, 2019 passed by learned Judge, Family Court, Puri in C.R.P. No. 63 of 2018 whereby learned Judge, Family Court, Puri while entertaining an application under Section 127 Cr.P.C. enhanced the monthly maintenance to Rs. 6,000/- to be paid by the Petitioner to Opposite Party.
3. It is submitted by Mr. Dash, learned counsel that the Petitioner was serving as watchman in the office of the Orissa State Ware Housing Corporation, Bhubaneswar. During pendency of the C.R.P. No.63 of 2018, he was superannuated from service. Thus, a monthly maintenance of Rs. 6,000/- per month is in the higher side and the Petitioner is unable to pay the same. Due to unavoidable circumstances, the Petitioner could not contest the C.R.P. No.63 of 2018 for which the

application under Section 127 Cr.P.C. requires reconsideration by setting aside the impugned order.

4. Mr. Rath, learned counsel for Opposite Party submits that in a petition under Section 125 Cr.P.C., learned J.M.F.C., Nimapara in Criminal Misc. Case No.48 of 1991 directed the Petitioner to pay a monthly maintenance of Rs. 400/- per month to the Opposite Party. Due to rise in the price of essential commodities, it was very difficult on the part of Opposite Party to maintain herself in the meager amount of Rs. 400/- per month. Hence, she filed an application under Section 127 Cr.P.C. for enhancement of maintenance, which was registered as C.R.P. No.63 of 2018 and learned Judge, Family Court, Puri taking into consideration the salary slip of the Petitioner marked as Ext.1 directed the Petitioner to pay a sum of Rs. 6,000/- per month, which is just and reasonable.

5. In view of the salary of the Petitioner at the relevant period as per Ext.1 as well as requirement of the Opposite Party, he submits that the RPFAM merits no consideration.

6. Upon hearing, learned counsel for the parties and on perusal of the impugned order it appears that the Petitioner although served with a notice did not prefer to contest the petition filed by the Opposite Party under Section 127 Cr.P.C.

7. Mr. Dash, learned counsel for the Petitioner does not also dispute the correctness of Ext.1, the salary slip of the Petitioner at the relevant time. Ext.1 discloses that the Petitioner was getting a salary of Rs.26, 683/- per month after deduction of Rs.8208/- out of his gross monthly salary of Rs.34,891/- per month. The said material filed before learned Judge, Family Court, Puri went unchallenged.

8. In that view of the matter I do not find any infirmity in the impugned order in directing the Petitioner to pay a monthly maintenance of Rs. 6,000/- per month to the Opposite Party wife.

9. Thus, this RPFAM merits no consideration and is accordingly dismissed.

10. In view of the disposal of the RPFAM, interim order dated 20th December, 2019 passed in I.A. No. 536 of 2016 stands vacated.

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

(K.R. Mohapatra)
Judge

ms

