

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

**RPFAM No. 122 OF 2020**

***Prakash Haripal***

....

***Petitioner***

Mr. Pritam Kumar Mohanty, Advocate

*-versus-*

***Priyambada @ Mita Bag @ Haripal***

....

***Opp. Party***

**CORAM:**

**JUSTICE K.R. MOHAPATRA**

**ORDER**

**13.09.2022**

**Order No.**

4. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this RPFAM seeks to assail the order dated 18<sup>th</sup> December, 2017 (Annexure-1) passed by learned Judge, Family Court, Sambalpur in Criminal Misc. Case No.13 of 2016, whereby the Petitioner has been directed to pay maintenance @ Rs.6,000/- per month to the Opposite Party-Wife from the date of filing of the petition i.e. from 6<sup>th</sup> April, 2016.
3. Mr. Mohanty, learned counsel submits that the Opposite Party is the legally married wife of the Petitioner. She has stayed with the Petitioner only for forty-five days. After that, she voluntarily left the matrimonial home and is residing at her parental house. She is engaged in a private school and has sufficient means of income. On the other hand, the Petitioner is serving as a mechanic at Singhrouli in the State of Madhya Pradesh and is earning Rs.9,500/-. He has his mother, depending upon him. Without considering the same, learned Judge, Family Court, Sambalpur passed the impugned order

under Annexure-1. It is further submitted that the monthly income of the Petitioner is insufficient to maintain himself. Hence, he is not in a position to pay the amount as directed by learned Judge, Family Court, Sambalpur in the impugned order under Annexure-1.

4. Upon hearing, learned counsel for the Petitioner and on perusal of the record, it appears that although the Petitioner has stated in his cross-examination that he getting a salary of Rs.9,500/-, but no document to that effect has been filed. The income of the Petitioner is in his special knowledge and he has to adduce evidence to that effect. Since no documentary evidence with regard to income of the Petitioner has been filed although he has stated to be working as a mechanic at Singhrouli in the State of Madhya Pradesh, learned Judge, Family Court made a guess work and passed the impugned order under Annexure-1.

5. In that view of the matter, I find no infirmity in 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.

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