

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No. 238 OF 2022

Manoj Barik

....

Petitioner

Mr. Pravat Kumar Mohanty, Advocate

-versus-

Haripriya Barik

....

Opp. Party

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

09.12.2022

Order No.

- 01.
1. This matter is taken up through hybrid mode.
 2. The Petitioner in this RPFAM seeks to assail the order dated 10th August, 2022 (Annexure-1) passed in Criminal Proceeding No.1755 of 2016, whereby learned Judge, Family Court, Bhadrak directed him to pay maintenance @ Rs.10,000/- per month to the Opposite Party from the date of filing of the application i.e. on 6th December, 2016.
 3. Mr. Mohanty, learned counsel for the Petitioner submits that relationship between the parties is not disputed. However, the Opposite Party has also independent income as she has a beauty parlor. Gross salary of the Petitioner is Rs.36,000/- per month. He is also repaying the loan incurred for his sister's marriage. Parents of the Petitioner are also depending upon him. Thus, an amount of Rs.10,000/- per month as maintenance to the Opposite Party is highly excessive and is very difficult on the part of the Petitioner to pay the same. Hence, he prays for re-consideration of the quantum of maintenance.

4. In view of the submission made by learned counsel for the Petitioner, this Court scrutinizes the materials on record. It appears that the Petitioner has not produced any document with regard to his salary although he is working as an Assistant Teacher at S.S.D., Govt. High School, Kodinga under the district Nabarangpur. It further appears that the Opposite Party-Wife has exhibited the salary slip of the Petitioner as Ext.4, which discloses that the gross salary of the Petitioner is Rs.42,633/- per month and his net salary is Rs.36,049/- per month. Thus, the statement made by Mr. Mohanty, learned counsel for the Petitioner that the gross salary of the Petitioner is Rs.36,000/- per month is not correct. There is also no evidence on the record to the effect that the Opposite Party has independent source of income. In that view of the matter, learned Judge, Family Court, Bhadrak taking into consideration the status of the parties, present day cost of living and need of the Opposite Party, directed the Petitioner to pay a sum of Rs.10,000/- per month, which does not appear to be unreasonable or excessive.

5. Hence, this Court finds no merit in the RPFAM.

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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