

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 25974 of 2022

Chitta Ranjan Tewari

....

Petitioner

Mr. Pravat Kumar Mohanty, Advocate

-versus-

Aparajita Panda @ Tewari

....

Opp. Party

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

03.11.2022

Order No.

1. This matter is taken up through hybrid mode.
2. Order dated 7th September, 2022 (Annexure-1) passed in IA No.49 of 2021 (arising out of CP No.280 of 2021), whereby learned Judge, Family Court, Kendrapara directed the Petitioner to pay pendent lite maintenance of Rs. 10,000/- per month to the Opposite Party-wife from the date of filing of the application, i.e., 6th November, 2021 and also directed to pay sum of Rs.5,000/- to the Opposite Party-wife towards litigation expenses.
3. Learned counsel for the Petitioner submits that the Petitioner is serving as a teacher and his take-home salary is about 50,000/- per month. However, the Petitioner has his old ailing parents depending on him. Children borne out of wedlock between the Petitioner Opposite Party-wife are staying with the Petitioner. The daughter of the Petitioner has attained the marriageable age and the Petitioner has to spend for her marriage. The Petitioner is also maintaining his younger brother and taking responsibility of the entire family. All these aspects though raised before learned Family Court, but the same were

not taken into consideration. Thus, quantum of *pendente lite* maintenance requires reconsideration.

4. Upon hearing learned counsel for the Petitioner and on perusal of record, it appears that over and above the salary of the Petitioner, the Petitioner has a truck purchased in his name. Although it is submitted that he has purchased the truck for maintenance of his younger brother, but he did not maintain it, for which the Petitioner sold the truck, but fact remains that the Petitioner is earning Rs.50,000/- per month. He has the obligation to maintain his wife. The destitute wife is leading a life of vagrancy and penury. Although it is submitted by Mr. Mohanty, learned counsel for the Petitioner that the contention of the Petitioner to the effect that he is maintaining his parents, children and younger brother, which were not taken into consideration by the learned Judge, Family Court, Kendrapara while determining the quantum of *pendente lite* maintenance, but at the same time, the wife is entitled to maintain a life that she would have maintained with the Petitioner.

5. Since learned Judge, Family Court considering the facts and circumstances and materials on record has passed the impugned order, I am not inclined to entertain the writ petition. Accordingly, the writ petition being devoid of merit stands dismissed.

(K.R. Mohapatra)
Judge