

IN THE HIGH COURT OF ORISSA AT CUTTACK
RPFAM NO. 125 OF 2020

Sakuntala Parida ***Petitioner***
Mr. Susanta Kumar Pradhan, Advocate

-versus-

Ganeswar Parida ***Opp. Party***
Mr. Bikram Keshari Raj, Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER

09.09.2022

Order No.

5.
 1. This matter is taken up through hybrid mode.
 2. The Petitioner in this RPFAM seeks to assail the order dated 4th March, 2020 passed by learned Judge, Family court, Cuttack in Criminal Proceeding No. 53 of 2009, whereby the Opposite Party has been directed to pay a sum of Rs.400/- each to the Petitioner Nos.1 and 2 (in total Rs.800/-) per month from the month of March, 2020. It was further directed that out of retiral dues received by Opposite Party, he shall also pay a sum of Rs.1,50,000/- to the unmarried daughter-Petitioner No.2 towards her marriage.
 3. Learned counsel for the Petitioner submits that the Opposite Party was working as a compositor in the office of daily newspaper "The Samaj" and was getting a salary of Rs.18,000/- per month. But, in order to avoid payment of maintenance, he took voluntarily retirement. Considering the matter, learned Judge, Family Court, Cuttack initially directed the Opposite Party to pay interim maintenance at the rate of Rs.1700/- per month. He further submits that the maintenance awarded is meager and is not sufficient for maintenance of the Petitioners. Hence, he submits

that the maintenance awarded by learned Judge, Family Court, Cuttack requires reconsideration.

4. Mr. Ray, learned counsel for the Opposite Party submits that at the time of filing of the petition under Section 125 Cr.P.C., the Petitioner No.2 was major. Hence, she is not entitled to any maintenance. Further, the Petitioners had left the company of Opposite Party voluntarily and did not join with him in spite of his best efforts. Thus, they are not entitled to any maintenance. He further submits that after retirement, the Opposite Party is getting a meager amount of pension of Rs.2,247/- per month. It is difficult on his part to maintain himself with such a meager amount. As such, the amount of maintenance awarded warrants no interference.

5. Taking into consideration the fact that the Opposite Party is getting a meager amount of pension of Rs.2247/- per month and in absence of any material to the effect that the Opposite Party has any other source of income, the maintenance awarded in favour of the Petitioners appears to be just and reasonable. Since the Opposite Party has not challenged the order impugned herein, this Court refrains itself from making any observation with regard to entitlement of Petitioner No.2 to receive maintenance.

6. In view of the above, the impugned order warrants no interference. Accordingly, the RPFAM being devoid any merit stands dismissed.

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

(K.R. Mohapatra)
Judge