

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No.290 of 2019

Subudhi Behera

..... Petitioner
Mr.Ashok Das, Advocate

-versus-

Narmada Behera and another

.... Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

10.05.2022

Order No.

- 8.
1. This matter is taken up through Hybrid mode.
 2. Petitioner in this RPFAM seeks to assail order dated 4th October, 2019 passed in Criminal Proceeding No.85 of 2016, whereby learned Judge, Family Court, Berhampur allowing an application filed by Opposite parties under Section 125 Cr.P.C., directed to pay maintenance of Rs.4,000/- per month to each of the Opposite Parties from the date of application, i.e., 25th April, 2016.
 3. Mr. Das, learned counsel for the Petitioner submits that the Petitioner at the relevant time was drawing a net salary of Rs.23,690/- per month. The Petitioner also maintains his old and ailing parents apart from two other children born out wedlock with Opposite Party No.1.
 4. It is his submission that Opposite Party No.1 is also running a hotel near Golanthara Chhak and this aspect has not been taken into consideration by learned Judge, Family Court, Berhampur while adjudicating the Criminal Proceeding. Hence,

the quantum of maintenance of Rs.4,000/- per month to each of the Opposite Parties is on higher side and it requires reduction.

5. Taking into consideration the submission of learned counsel for the Petitioner and on perusal of the impugned order, it appears that learned Judge, Family Court, Berhampur, while adjudicating the matter, has taken into consideration the net salary of the present Petitioner to be Rs.23,690/- per month. It also reveals from the record that present Petitioner has not led any evidence with regard to alleged income of Opposite Party No.1. Although there is material on record to show that the marriage between Petitioner and Opposite Party No.1 has been dissolved by a decree of divorce passed in Civil Proceeding No.250 of 2016 by learned Judge, Family Court, Berhampur, but fact remains, the Opposite Parties being the divorced wife and unmarried daughter of the Petitioner respectively are entitled to maintenance under Section 125 Cr.P.C. There is also no evidence on record to show that Opposite Parties have independent source of income.

6. In that view of the matter, I am of the considered opinion that the quantum of maintenance awarded in favour of Opposite parties is just and reasonable and hence warrants no interference.

7. Accordingly, the RPFAM stand dismissed.

(K.R. Mohapatra)
Judge