

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 34162 OF 2022

Kabita Panda

....

Petitioner

Ms. Supriya Patra, Advocate

-versus-

Dr. Pramod Kumar Khara

....

Opp. Party

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

20.12.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Order dated 19th August, 2022 (Annexure-6) passed by learned Judge, Family Court, Cuttack in I.A. No.08 of 2021 (arising out of C.P. No.140 of 2019) is under challenge in this writ petition, whereby allowing an application filed by the Petitioner under Section 24 of the Hindu Marriage Act, 1955 (for short 'the Act'), the Opposite Party has been directed to pay *pendente lite* maintenance of Rs.29,000/- per month to the Petitioner-Wife from the date of application i.e. on 22nd March, 2021 along with litigation expenses of Rs.10,000/-.
3. Ms. Patra, learned counsel for the Petitioner submits that the gross salary of the Opposite Party is Rs.96,408/- per month and his take home salary is Rs.80,208/- per month. However, the two children born out of the wedlock between the parties, are with the Petitioner and they are pursuing their studies. Hence, a *pendente lite* maintenance of Rs.29,000/- per month is not sufficient for the sustenance and support of the Petitioner.

Learned Judge, Family Court while considering the petition under Section 24 of the Act should have taken into consideration the documents in support of the case of the Petitioner. Without considering the same, the impugned order under Annexure-6 has been passed. Hence, the quantum of *pendente lite* maintenance requires re-consideration.

4. Upon hearing learned counsel for the Petitioner and on perusal of the record, it appears that learned Judge, Family Court discussing the materials available on record came to a conclusion that the Opposite Party is a Block Programme Health Officer. His gross salary was Rs.96,408/- per month and net salary was Rs.80,208/- per month at the relevant time. Hence, considering the same, learned Judge, Family Court has directed the Opposite Party to pay a *pendente lite* maintenance of Rs.29,000/- per month to the Petitioner, which I found to be just and reasonable in the facts and circumstances of the case.

5. As such, I am not inclined to entertain this writ petition.

6. Accordingly, this writ petition being devoid of any merit stands dismissed.

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

(K.R. Mohapatra)
Judge

ms