

IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No.99 of 2021

Reena Rath @ Reena Tiwari ***Appellant***

Ms.Geetanjali Majhi, Advocate

-versus-

Manoj Kumar Tiwari ***Respondent***

Mr.B.Sahoo, Advocate

CORAM:

**SHRI JUSTICE S. TALAPATRA
SHRI JUSTICE B. P. ROUTRAY**

ORDER
08.07.2022

Order No.

03.

I.A.No.96 of 2022

1. The matter is taken up through Hybrid mode.
2. Ms. Geetanjali Majhi, learned counsel appearing for the Appellant has submitted that the applicant (the Appellant) will not press this application.
3. Mr. Sahoo, learned counsel for the Respondent has seriously condemned the action of the applicant, as according to him, the Respondent had offered the entire sum of alimony, but the Appellant did refuse to accept. Now she has come to place claim

for maintenance. Be that as it may, this application stands dismissed as not pressed.

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4. By this appeal, the judgment and decree dated 5.10.2021 delivered in Civil Proceeding No.112 of 2017 by the Judge, Family Court, Rourkela, Sundargarh has been challenged.

5. It may be noted at the outset that, by the said decree the marriage subsisting between the Appellant and Respondent has been brought to an end, pursuant to the decree of divorce. The judgment, in support of granting decree of divorce, has not been challenged by the Appellant. The challenge is confined to the quantum of alimony as determined by the Judge, Family Court.

6. Ms. Majhi, learned counsel for the Appellant has submitted that the Appellant has liability of repayment of loan amount to the extent of Rs.4,00,000/-. If the alimony is maintained at Rs.7,00,000/-, as determined by the Judge, Family Court, the Appellant will be pushed to destitution. As such, interference of this Court is urged.

7. From the other side, Mr.Sahoo, learned counsel appearing for the Respondent has submitted that the Respondent, even though is a Central Government employee, his gross salary in the month of

August, 2021 was Rs.40,960/-. Out of that, on statutory deductions made the Respondent was receiving net pay of Rs.25,175/-. That apart, Mr.Sahooo, learned counsel appearing for the Respondent has submitted that the Appellant is also engaged and she is also earning. To that statement, Ms. Majhi, learned counsel appearing for the Appellant has submitted that the Appellant, from that engagement, hardly earns a sum of Rs.40,000/- per annum.

8. We have considered the cost of livelihood, the Appellant's right to have the standard of livelihood, the age of the Appellant, vis-à-vis the income and the financial resources of the Respondent as she was enjoying. We are of the view that the Judge, Family Court while assessing the alimony did not consider the factors those are relevant for determination of the alimony. Having considered these factors, as noted above, and the standards of life that the Appellant should be provided to, we are of the view that the Appellant is entitled to get the alimony, lump sum to the extent of Rs.15,00,000/-(Fifteen lakhs) as alimony.

9. Mr. Sahoo, learned counsel appearing for the Respondent has fairly submitted that out of the said alimony, Rs.7,00,000/-(Seven lakhs) will be paid within fifteen days from the date of decree. The remaining amount of the alimony, we direct to be paid within three

months from the date of decree. On failure of payment, in terms of this direction, the Appellant will be entitled to recover the said amount as money decree through the court of the Judge, Family Court. Rourkela. In the event of default in payment, the Respondent will have to pay, in addition, the interest at the rate of 7% per annum from the date of decree to the date of actual payment made.

10. In terms of the above, the appeal stands allowed. Draw the decree accordingly. Send down the L.C.Rs. thereafter.

