

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C).No.41324 of 2021

Pradip Kumar Pattnaik

....

Petitioner(s)

Mr.Biplaba P.B.Bahali,
Advocate

-versus-

Aliva Mohanthy

....

Opposite Party(s)

CORAM:

JUSTICE BISWANATH RATH

ORDER

31.01.2022

Order No.

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1. This matter is taken up through Video Conferencing Mode.
2. Heard Mr.Bahali, learned counsel appearing for the petitioner.
3. Mr.Bahali, learned counsel for the petitioner taking to the observation of the Family Court involved herein on the income aspect of the petitioner attempted to draw the attention of this Court that even though the petitioner-husband gets a gross salary of Rs.73,822/- , but his net pay is Rs.67,351/- but, however, after some deductions. It is in the circumstance, Mr,Bahali, learned counsel for the petitioner objected to the grant of Rs.14,000/- per month as interim maintenance in favour of the wife in the proceeding involved herein.
4. Considering the submission of Mr.Bahali, learned counsel for the petitioner this Court finds there is no dispute by the husband-petitioner that he has taken house loan to have a building for his own accommodation. This Court in the circumstances observes, the husband alone cannot lead luxury life while pushing a married wife to miseries. In the circumstances and for the settled position of law, married wife is also required have the status of life to that of husband, this Court finds grant of Rs.14,000/- per month towards maintenance is not in higher side.

5. In the circumstance, this Court is not inclined to interfere in the impugned order involved herein. At this State of the matter, Mr.Bahali, learned counsel for the petitioner requests this Court for at least targeting the C.P.No.674 of 2019 pending between the parties.

6. Considering the main proceeding involves divorce preceding, in the event written statement is already filed, attempt should be taken to at least dispose of the proceeding involved but after entering into the mediation process between the parties, preferably, within a period of six months from the date of normal function of the Court work. This order is subject to however condition that the husband –petitioner herein goes on depositing the monthly maintenance regularly.

7. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout copy of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 & 515 dated 7th January, 2022.

(Biswanath Rath)
Judge