IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.156 of 2022

1. Prabir Parida	*…*	***Petitioners***
2. Bichitra Nanda Parida		
3. Pramila Parida		

Mr. J. Katikia, Advocate

-versus-

Ratnadipa Parida @ Jethy	*….*	***Opposite Party***

Mr. B. Baug, Sr. Advocate

CORAM: JUSTICE V. NARASINGH

ORDER

10.04.2026

Order No.

12. 1. Heard learned counsel for the Petitioners and learned counsel for the Opposite Party.

2. Assailing the order dated 28.03.2022 by which learned 3rd Additional Sessions Judge, Cuttack affirmed the order dated 24.09.2019 passed by the learned SDJM, Sadar, Cuttack in D.V. Crl. Misc. Case No.90 of 2019, directing the Petitioners to pay a sum of Rs.13,000/-, (Rs.7,000/- for the wife, Rs.3,000/- for the male child, who is studying in Std-V and Rs.3,000/- for separate accommodation), the present revision has been preferred.

3. It is apt to note here that, assailing the order passed by the Court of first instance, two appeals were preferred, i.e. Criminal Appeal No114 of 2019 by the

Petitioner-husband and Criminal Appeal No.128 of 2019 by the Opposite Party-wife seeking enhancement.

Since both the appeals relate to the selfsame impugned order, they were taken up together for consideration and disposed of by a common order.

4. It may not be out of place to note here that for reasons best known the Petitioner-husband did not appear and argue his appeal.

5. It is the submission of the learned counsel for the Petitioners that basing on the materials on record, the direction to pay a sum of Rs.13,000/- on the heads as above, is ex facie arbitrary. Hence, the same merits interference by this Court in the present revision.

6. Learned counsel for the Opposite Party submits that considering the status of the Opposite Party-wife and the present-day inflationary trend and that the Petitioner has a child to support, who is studying in Std-V, there is no infirmity in the order directing for payment of Rs.13,000/-.

Per contra it is submitted by the learned counsel for the Petitioners that the husband is paying for the education of their son.

7. It is trite that, so far as quantification of compensation is concerned, there cannot be any absolute rule as there is inherent subjectivity in fixing the same and this has also been noted by the Apex Court in the case of ***Rajnesh vrs. Neha and anr: (2021) 2 SCC 32.***

8. On consideration of the materials on record and taking into account the rival submissions, this Court is of

the considered view that directing the Petitioner-husband to pay a sum of Rs.10,000/- per month would sub serve the ends of justice.

9. At this stage, a calculation sheet is placed for the consideration of this Court.

On perusal of the same, it is seen that there are arrears of 85 months till the end of March, 2026 and calculated at Rs.10,000/-, the same comes to Rs.8,50,000/-. Admittedly, during the pendency of the case, an amount of Rs.4,51,000/- has been paid and the balance comes to Rs.3,99,000/-.

10. It is submitted by the learned counsel for the Petitioners that it would cause immense hardship to the Petitioner-husband, if he is directed to pay the amount in a lump sum, hence, the same may be divided into suitable installments.

Such submission is opposed by the learned counsel for the Opposite Party, inter alia, on the ground that because of non-payment of arrears, the Opposite Party is finding it difficult to lead a dignified life.

11. On considering the rival submissions, it is directed that the Petitioner shall pay an amount on arrears of Rs.10,000/- per month as modified. The current arrears of Rs.10,000/- of April, 2026 shall be paid on or before 05.05.2026 and the Petitioner shall continue to pay such amount of Rs.10,000/- by 5th of the succeeding month.

11A. So far as the arrears of Rs.3,99,000/- are concerned, out of same Rs.9,000/- shall be paid by 05.05.2026 and the balance Rs.3,90,000/- shall be paid

in 10 equal monthly installments. The first of such installment shall fall due on 20.06.2026. The learned Trial Court is requested to fix date of payment of monthly installments, an account of arrears along with Rs.10,000/- as directed above. The same shall be on 20th of each succeeding month for the next ten months starting from 20.06.2026.

The grievance is made by the learned counsel for the Petitioner-husband that the proceeding is dragging for the last seven years because of non-cooperation of the wife-Opposite Party and he is being saddled with payment of interim compensation notwithstanding that he has strong prima facie case.

12. Taking note of the same, since it is stated at the Bar that the matter is posted for hearing before the learned Trial Court on 07.05.2026, the Opposite Party shall appear on the said date, as undertaken.

In the event, the Opposite Party does not appear on the date as fixed, it shall be open for the learned Court in seisin to proceed in accordance with law.

13. Accordingly, the criminal revision stands disposed of.

14. The question of maintainability as raised, is kept open.

(V. NARASINGH)
Judge

Jina

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Reason: Authentication
Location: High Court of Orissa
Date: 11-Apr-2026 14:12:16