



IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No.103 of 2026

Ashutosh Panigrahi ***Petitioner***

Mr. R.K. Mund, Advocate

-versus-

Ipsita Panigrahi and ***Opp. Parties***
another

CORAM:
JUSTICE MRUGANKA SEKHAR SAHOO

ORDER
23.04.2026
(Hybrid Mode)

Order No.

- 01.** **1.** The matter being in the list is mentioned by the learned counsel for the petitioner and is taken up after the Special Bench at 2.00 PM is over. Though the day's proceedings are over, the matter is taken up considering the mention made by the learned counsel Mr. R.K. Mund, who is present in virtual Court, High Court of Orissa at Kalahandi.
- 2.** The petitioner-husband is before this Court challenging the judgment and order dated 25.08.2025 passed by the learned Judge, Family Court, Bhawanipatna in Criminal Proceeding No.29 of 2024. The said proceeding was initiated U/s.125 of Cr.P.C. by the wife in the marriage and the minor son born from the wedlock seeking monthly maintenance of



Rs.1,50,000/- and cost of litigation. In the petition, seeking maintenance it is alleged the opposite party-husband has 'illicit relationship with a lady'. He keeps neglecting the wife and the child in the marriage. The minor child suffers from disease, which requires regular treatment, cost being at least Rs.5,000/- per month.

The opposite party-husband before the learned Judge, Family Court filed his written statement. The petitioner-wife adduced evidence appearing as the witness. The opposite party-husband adduced evidence of two witnesses. Thirty five documents were exhibited on behalf of the opposite party.

3. To challenge the order in revision, it is submitted by the learned counsel for the petitioner that the amount of Rs.5,000/- directed to be paid as monthly maintenance is in the higher side. The petitioner takes care of expenses of the child and the said fact has not been taken note of.

It is further stated that the petitioner-husband is not an income tax assessee that should have been a ground to be considered by the learned Family Court while granting the maintenance.

4. Since the capacity to earn and the expenses incurred towards the maintenance of the son are matter of pleadings and evidence, the learned counsel for the petitioner was asked to point out from the written statement filed before the learned Family



Court, where he had made such statement. Learned counsel for the petitioner has no answer.

Perusal of the written statement, copy of which is annexed to the petition does not disclose any such averments as is no suggested.

5. Law has been laid down by the Hon'ble Supreme Court in ***Shamima Farooqui v. Shahid Khan: (2015) 5 SCC 705***, authoritatively dealing with the scope of exercise of power of revision by the High Court of the orders of the Family Court particularly in the matters like in the present petition pertaining to Section 125 of Cr.P.C.. In view of law laid down in ***Shamima Farooqui*** (*supra*), the petitioner before this Court has to show from the pleadings as well as evidence that a case is made out for revision before this Court.

Regarding the earning capacity as well as the expenses incurred by the husband towards maintenance of the wife and child material was to be brought before the learned Family Court and the petitioner has to show before this Court that such material was placed on record by way of pleadings, evidence, depositions, exhibits.

6. The learned counsel for the petitioner is also apprised of the decision rendered by the Hon'ble Apex Court in ***Rajnish v. Neha: (2021) 2 SCC 324***, holding that the amount of maintenance directed to be paid is akin to a money decree, the petitioner has to secure the amount for sustaining the challenge.



7. The learned counsel seeks and has adjournment to obtain instruction and file affidavit of the petitioner, if so advised and address further.

List in the week commencing 04.05.2026.

(Mruganka Sekhar Sahoo)
Judge

Radha

Signature Not Verified

Digitally Signed
Signed by: RADHARANI JENA
Reason: Authentication
Location: OHC
Date: 01-May-2026 18:42:46

