



IN THE HIGH COURT OF ORISSA AT CUTTACK
RPFAM No.172 of 2024

***Sushree Smita Rout and
another*** ... ***Petitioners***

Mr. A.K. Jena, Advocate

-versus-

Pravanjan Swain ... ***Opposite Party***

Mr. P.R. Barik, Advocate.

RPFAM No.144 of 2024

Pravanjan Swain ... ***Petitioner***

Mr. P.R. Barik, Advocate

-versus-

***Sushree Smita Rout and
another*** ... ***Opposite Parties***

Mr. A.K. Jena, Advocate.

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)
31.01.2025

Order No.

06.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. It is apprised by both learned counsels appearing for the wife and husband by producing a photo copy of the judgment which is taken on record that the learned trial Court by a common judgment passed on 06.12.2024 in CP No. 132 of 2022 U/S.13(1) of the Hindu Marriage Act(In short "the Act") and CP No. 340 of 2022 U/S 9 of the Act has allowed the proceeding U/S. 13 of the Act by granting Rs. 20,00,000/-(Rupees Twenty Lakhs) as permanent alimony. In the aforesaid premises, the



challenge by both the parties as to the judgment dated 19.04.2024 passed by learned Judge, Family Court, Jajpur in criminal proceeding No. 187 of 2019 directing the husband to pay a sum of Rs. 6,000/- per month each to the wife and minor daughter in an application U/S. 125 of the CrPC has to be considered in the changed circumstance of grant of permanent alimony to the wife, but law is well settled that after grant of permanent alimony, the application for grant of maintenance U/S. 125 of CrPC can only be treated as an application U/S. 25(2) of the Act to seek alteration of maintenance in view of the law laid down by Apex Court in ***Rakesh Malhotra vrs. Krishna Malhotra; (2020) 14 SCC 150.***

3. In this case, the wife having already been granted with permanent alimony, her claim for enhancement of maintenance may required to be agitated before the Court concerned by making a fresh application in terms of Sec. 25(2) of the Act, but her revision against the impugned order for claim of enhancement of maintenance may not required to be considered inasmuch as, her claim cannot be considered as one U/S. 25(2) of the Act in the revision against order passed U/S. 125 of CrPC, however, the daughter of the parties can challenge the quantum of maintenance as granted to her in an application U/S. 125 CrPC in the revision. In the aforesaid premises, the only dispute remains to be adjudicated in these two revisions is to the grant of maintenance to the minor daughter of the parties.



4. Accordingly, list this matter on 25.02.2025.

(G. Satapathy)
Judge

Priyajit