

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No. 235 of 2023

Smrutiranjana Behera

.....

Petitioner

Mr. R.N. Mishra, Adv.

Vs.

Gelhamani Behera & Another

.....

Opposite Parties

CORAM:

JUSTICE SAVITRI RATHO

ORDER

14.09.2023

Order No.

(Through hybrid mode)

01.

1. This application under section 482 of the Code of Criminal Procedure has been filed by the petitioner, challenging the order dated 12.07.2023 passed by the learned Judge, Family Court, Jajpur in Criminal Proceeding No. 291 of 2021 allowing the application of the opposite party no.1-wife and opposite party No.2-minor daughter of the petitioner and awarding of Rs.7000/- per month to the opposite party no.1-wife and Rs.5000/- per month to the opposite party no.2- minor daughter with effect from 21.12.2021 with a direction for payment of arrear maintenance within a period of three months from the date of the order and for payment of current monthly maintenance within the first week of each succeeding month.

2. Mr. R.N. Mishra, learned counsel for the petitioner submits that the petitioner had been working as Senior Assistant in Special

Treasury, but on account of his suspension from December, 2022, he is not getting his full salary and is getting salary of Rs.14,800/- per month. The calculation of the salary on the basis of his pay at the rate of Rs. 37,199/- is therefore illegal.

3. Considering the above submission, issue notice to the opposite parties through Registered Post with A.D returnable within four weeks. Requisites shall be filed by 18.09.2023.

4. List this case on 08.11.2023.

I.A. No. 286 of 2023

- 02.
1. This is an application for stay of operation of judgment dated 12.07.2023 passed by the learned Judge, Family Court, Jajpur in Criminal Proceeding No. 291 of 2021.
 2. Issue notice as above.
 3. Accept one set of process fee.
 4. If the petitioner deposits Rs.1,00,000/- (Rupees one lakh only) towards arrear maintenance in the Court of the learned Family Court, Jajpur by 03.10.2023, as an interim measure the operation of the judgment dated 12.07.2023 passed by the learned Judge, Family Court, Jajpur in Criminal Proceeding No. 291 of 2021 shall remain stayed till the next date. The said amount shall be released in favour of the opposite party no.1.

5. As an interim measure, the petitioner shall pay current maintenance at the rate of Rs. 4000/- to the opposite party no.1 and Rs.3000/- to the opposite party no. 2.

Issue urgent certified copy as per rules.

.....
(SAVITRI RATHO)
JUDGE

Sukanta

