



IN THE HIGH COURT OF ORISSA, CUTTACK
RPFAM No.235 of 2023

A revision under Sections 397 & 401 Cr. P.C. read with Section 19 of the Family Courts Act.

Smruti Ranjan Behera ... **Petitioner**

-Versus-

Gelhamani Behera & another Opposite Parties

Advocates appeared in the case:

For Petitioner : Mr. S.K. Das, Advocate

For Opp. Parties : Mr. Ashok Das, Advocate

CORAM:
THE HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO

J U D G M E N T

Decided on 24th February, 2026

PER MRUGANKA SEKHAR SAHOO, J:

- 1.** The petitioner-husband in the marriage is before this Court seeking revision of the order and the judgment dated 12.07.2023 passed by the learned Judge, Family Court, Jajpur in Criminal Proceeding No.291 of 2021.
- 2.** The proceeding was initiated by the opposite party no.1-wife in the marriage and the minor daughter born



from the wedlock seeking monthly maintenance under Section 125 of Cr.P.C. (since repealed and substituted by *pari materia* provision contained in Bharatiya Nagarik Suraksha Sanhita, 2023).

By the said judgment the prayer of the wife in the marriage and minor child was allowed and an amount of ₹7,000/- per month to the opposite party-petitioner no.1-wife and ₹5,000/- per month to the opposite party-petitioner no.2-minor child was awarded from the date of application i.e. 21.12.2021.

3. By order dated 14.09.2023 notices were issued by the coordinate Bench and interim order was passed directing current maintenance of ₹4,000/- to the opposite party no.1 wife and ₹3,000/- to the opposite party no.2-minor daughter.

4. While issuing notice and interim order directing interim maintenance coordinate Bench had directed stay of operation of the impugned judgment dated 12.07.2023.

5. For arriving at the conclusion, the learned Family Judge has relied on the statement of three witnesses on behalf of O.P.-wife who were the petitioner and one witness on behalf of opposite party before the learned Judge, Family Court who is the petitioner herein. Learned Judge, Family Court has relied on the five exhibits produced by the petitioner-wife and four exhibits those were exhibited on behalf of opposite party-husband-



petitioner herein. Ext.P-1 is the salary statement of the husband in the marriage obtained under the RTI Act.

6. The scope of interference by this Court in exercising revisional jurisdiction has been dealt with by the Hon'ble Supreme Court in ***Shamima Farooqui v. Shahid Khan***¹. At paragraph 20 (SCC online web edition point), scope of interference by this Court has been delineated, which is reproduced herein:

“20. In the instant case, as is seen, the High Court has reduced the amount of maintenance from Rs.4000 to Rs.2000. As is manifest, the High Court has become oblivious of the fact that she has to stay on her own. Needless to say, the order of the learned Family Judge is not manifestly perverse. There is nothing perceptible which would show that order is a sanctuary of errors. In fact, when the order is based on proper appreciation of evidence on record, no Revisional Court should have interfered with the reason on the base that it would have arrived at a different or another conclusion. When substantial justice has been done, there was no reason to interfere. There may be a shelter over her head in the parental house, but other real expenses cannot be ignored. Solely because the husband had retired, there was no justification to reduce the maintenance by 50%. It is not a huge fortune that was showered on the wife that it deserved reduction. It only reflects the non-application of mind and, therefore, we are unable to sustain the said order.

[Underlined to supply emphasis]

¹ (2015) 5 SCC 705



7. Having heard learned counsel for the petitioner and going through the materials on record particularly the reasons given by the learned Judge, Family Court at paragraphs 7, 8 & 9 of the judgment, it has to be held that there is no error in the judgment rendered. The judgment is based on proper appreciation of evidence on record and substantial justice has been done.

8. As an alternative submission, it is submitted by the learned counsel for the petitioner-husband in the marriage that the opposite party-wife and child are staying in the residential premises of the petitioner-husband for which some indulgence may be shown as far as amount directed by the learned Judge, Family Court towards maintenance to be paid.

Learned counsel for the opposite party though does not seriously challenge the aspect of the mother and child staying in the residential premises of the petitioner, objects to the prayer for any reduction of the amount of maintenance directed by the learned Judge, Family Court.

9. Now, in the interest of justice and equity, without interfering in the conclusion of the learned Judge, Family Court in directing payment of monthly maintenance, the order is modified to the limited extent that the petitioner-husband shall pay ₹6,000/- per month to the opposite party no.1-wife and ₹4,000/- per month to the minor daughter-opposite party no.2 from the date of application i.e. 21.12.2021.



10. From the amount that is due to be paid with effect from 21.12.2021, the amount that has already been paid, shall be deducted to determine the amount due.

The petitioner has option and leave to credit the amounts to be paid to both the O.Ps.1 & 2, O.P. No.2 being a minor, directly to the bank account of the opposite party no.1.

11. The judgment and decree dated 12.07.2023 passed by the learned Judge, Family Court, Jajpur in Criminal Proceeding No. 291 of 2021 is modified to the extent as directed above and is confirmed. With the aforesaid modification, the petition is disposed of. The interim order passed earlier shall merge with the final order.

The decree, having been confirmed opposite parties shall have the liberty to have appropriate remedy available under law if the amount is not paid.

Copy of this order shall be forwarded to learned Judge, Family Court, Jajpur to be kept in the records of Criminal Proceeding No.291 of 2021.

(Mruganka Sekhar Sahoo)
Judge

Orissa High Court, Cuttack
The 24th February, 2026/dutta