



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.156 of 2025

An application under Articles 226 and 227 of the Constitution of India.

Satya Sundar Sethy *Petitioner*

-versus-

1. Smt. Itismita Sethy *Opposite Parties*

2. Gourav Sundar Sethy

Advocates appeared in this case through Hybrid Mode :

For Petitioner : *Mr. Himanshu Sekhar Mishra,*
Advocate

Mr. S. Dwibedi, Advocate

For Opposite Parties : *Mr. A.K. Sahoo, Advocate*

CORAM:

HON'BLE MISS JUSTICE SAVITRI RATHO

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Date of Hearing and Judgment: 07.05.2026
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Savitri Ratho, J. This CRLMP has been filed to set aside the order dated 09.07.2024 passed by the Court of the learned Judge, Family Court, Balasore in C.R.P. No. 112 of 2022 under Annexure-6 granting Rs.20,000/- monthly interim maintenance in favour of Opposite Party No.1 and Rs.10,000/- in favour of Opposite Party No.2 from the date of filing of the application i.e. 23.04.2022 along with litigation expenses of Rs.10,000/- with the further direction that the regular interim maintenance shall be paid in the first week of each English



calendar month and the arrear maintenance dues within three months and litigation expenses within 30 days of the order.

STATUS REPORT

2. Perused the status report of the learned Judge, Family Court, Balasore where it is stated that the case is posted to 15.04.2026 for hearing on the petition filed by the Petitioner to call for the salary particulars of the Opposite Party.

INTERIM ORDER

3. By order dated 06.02.2025, while issuing notice in this CRLMP and I.A. No. 21 of 2025, this Court had stayed operation of the impugned order, subject to the Petitioner paying a sum of Rs.10,000/- to the Opposite Party No.1-wife and Rs.5,000/- to the Opposite Party No. 2-son as monthly interim maintenance.

SUBMISSIONS

PETITIONER

4. Mr. H.S. Mishra, learned counsel for the Petitioner submits that Opposite Party No.1 is highly educated and has an M.A. degree as well as B.Ed. degree. Hence, she is qualified to secure a job. He also submits that she had been selected for appointment as Sikhya Sahayaka and the provisional draft merit list has been annexed to this petition as Annexure-8, where the name of the Opposite Party No.1



figures at Sl. No.61. Relying on the decision of this Court in the case of *Madan Kumar Satpathy vrs. Priyadarshini Pati (RPFAM No. 417 of 2023 decided on 07.02.2025)*, he submits that the Opposite Party No.1 is not entitled to any maintenance as she is qualified to get a job. He also submits that since the main application is pending, this Court may dispose of the CRLMP permitting the Petitioner to continue to pay the amount as fixed by this Court by interim order dated 06.02.2025 and direct the learned Judge, Family Court to dispose of CRP No. 112 of 2022 within a stipulated time. He submits that the amount directed by this Court in its interim order dated 06.02.2025, is being paid regularly every month.

OPPOSITE PARTIES

5. Mr. A.K. Sahoo, learned counsel appearing on behalf of the Opposite Parties referring to the impugned order submits that the Opposite Party No.1 had filed a disclosure affidavit stating that she is not employed and she and Opposite Party No.2 were dependent upon her parents for their maintenance and education of Opposite Party No.2. He also draws attention of this Court to sub-paragraph 3 of paragraph 8 of the order the learned Judge, Family Court, where it has been observed as follows:

“8. On consideration of the interim maintenance petition,



objection of the opp.party and their respective affidavit of disclosure of property, assets and liabilities, the petitioners have specifically stated that, the petitioner No.1 has completed Master degree in in History with B.Ed and serving as a Sikhya Sahayak under the Education Dept. of State Govt. and drawing salary @Rs.40,000/-per month. But in support of his said claim he has failed to produce any prima facie document to show her said alleged employment status. So, the said claim of the opp.party can not be taken in to consideration. Therefore, for the purpose of the present interim petition it is to be held that, the petitioner No.1 has no source of income and even if it is to accepted for a moment that she belongs to rich family but she can not be left to the charity of her relation.

During hearing a pertinent question raised by the learned counsel for the opp.party that the after passing of ex-parte decree of divorce in Original Petition No.2456 of 2020 by the Fifth Adl.Family Court Chennai, the petitioner No.1 has lost his legal marital status with the opp.party and she is not entitled for any maintenance. Since there is no material to show that, after passing of said ex-parte order of divorce the petitioner has remarried, she being a divorced wife is entitled for maintenance in view of Sec. 125(1) explanation (b) of the Cr.P.C. Further, the opp.party being the father of petitioner No.2 is duty bound under law to provide him maintenance. So, the petitioners are entitled for interim maintenance from the opp.party from the date of application i.e.23.04.2022.



The opp.party in his objection and also in the disclosure affidavit has stated that, he is drawing Rs 1,27,000/- per month towards his net salary but, he has not stated anything about his gross salary and not produced any document towards his salary.

Thereby, he made attempt to suppress his exact income. Further, the opp.party has stated that, he has incurred hand loan of Rs. 10,00,000/- from his friend and at present Rs.6,00,000/- is yet to be repaid. Said hand loan if any incurred by the opp.party cannot be taken in to consideration as the same is not a compulsory deduction from salary. He has filed xerox copy of document regarding travelling to different places and purchasing of ornaments and payment of education fees to the institution of the petitioner No.2 and also towards health insurance and fix deposit.”

6. He further submits that till date, the Opposite Party No.1 has not been employed anywhere and if granted time she will file an affidavit to that effect.

ANALYSIS AND CONCLUSION

7. In view of the submission of Mr. H.S. Mishra, learned counsel for the Petitioner that the application may be disposed of recording the submission of the learned counsel for the Opposite Parties that Opposite Party No.1 is not employed anywhere till date, it is not necessary for filing of such affidavit.



8. Since the learned Judge, Family Court, Balasore, while awarding the interim maintenance as stated above, has passed a reasoned order discussing the contentions of the parties, after considering the submissions of the learned counsel but without going into the merits of the case of the parties as that may influence the learned Judge, Family Court before whom the proceeding under Section 125 of Cr.P.C. is pending for final disposal, the CRLMP is disposed of directing the Petitioner to pay an amount of Rs.15,000/- towards interim maintenance to the Opposite Party No.1-wife and Rs.10,000/- towards interim maintenance as well as educational expenses to the Opposite Party No.2-son with effect from the date of filing of the application for interim maintenance.

9. This order will however be subject to the final order which will be finally passed in the proceeding by the learned Judge, Family Court, Balasore.

10. The litigation expenses of Rs.10,000/- shall be paid by the Petitioner within a period of four weeks from today and the arrear maintenance shall be paid in six monthly instalments after adjusting the amount already paid.

11. The impugned order is modified to the extent indicated above.

12. It is apparent from the report of the learned trial Court that



evidence of the parties has not yet been recorded. As C.R.P. No. 112 of 2022 is pending since 2022, the learned Judge, Family Court, Balasore is requested to make an attempt for disposal of the C.R.P. within a period of six months.

13. The parties are directed to co-operate for early disposal of the C.R.P.

14. With these observations, the CRLMP is disposed of.

15. Urgent certified copy of this order be granted on proper application.

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(Savitri Ratho)
Judge

Orissa High Court, Cuttack
Dated, the 7th May, 2026/Puspa