

IN THE COURT OF THE JUDGE, FAMILY COURT,
BHUBANESWAR.

Present : Shri Pravakar Mishra, OSJS(SB),
Judge, Family Court, Bhubaneswar.

Criminal Proceeding No. 67 of 2013

1. Sarita Pani, aged about 35 years,
W/o-Manoj Kumar Panda,
2. Akankshya Panda, aged about 5 years,
D/o-Manoj Kumar Panda,
(Petitioner No. 2 being minor represented through her mother
guardian petitioner No.1)
Both are resident of 35-B, Gautam Nagar, Bhubaneswar-14
... Petitioners

... Versus...

Manoj Kumar Panda, aged about 33 years,
S/o-Late Kunja Bihari Panda,
Resident of Plot No. L/84, Housing Board Colony,
Radhagobindapur, P.O./P.S.-Athagarh, Dist-Khurda.
Presently residing at C/o-M/s. Tata Motors,
Pimpri, Pune, MH.

... Opp. Party

Date of Argument : 24.11.2015

Date of Judgment : 24.11.2015

J D G M E N T

The petitioner No.1-wife has filed a petition U/s. 127 of the Cr.P.C. against the Opp. Party-husband for enhancement of their monthly maintenance from Rs. 11,000/- to Rs. 16,000/-.

2. The case of the petitioner No.1 in a nut-shell is that, she and her minor children were granted maintenance i.e. Rs. 7,000/- for self and Rs. 4,000/- for her son respectively vide Crl. Proceeding No. 83/2011 by this Court on 05.04.2011 and as per the order of this Court now they are getting that amount towards their maintenance but the said amount is not sufficient on their part to maintain their livelihood due to rise in price of essential commodities and study expenses of the minor daughter (petitioner No.2). In

the meanwhile, the income of the Opp. Party has increased due to hike in his monthly salary and now he is getting net salary of Rs. 33,000/- per month. With these changing circumstances, she claimed revision of her monthly maintenance to Rs.16,000/- from Rs. 11,000/-.

3. The Opp. Party did not enter contest the petition and therefore, is set ex-parte.

4. The only point to be considered is whether there is change of circumstance after previous maintenance was allowed to the petitioners?

5. The petitioner in order to prove her case, she herself, has been examined as P.W. 1 and relied on two documents i.e. Ext. 1 self attested form No. 26AS of the Opp. Party, Ext. 2 is the letter in respect of the salary certificate of the Opp. Party, Ext. 2/a, 2/b, 2/c and 2/d are the copies of the salary certificates of the Opp. Party.

6. P.W. 1 during her examination has supported the averments made in the petition which I do not like to geminate to avoid prolixity of the order. From her unchallenged testimony, it is established that the petitioners were granted Rs. 7,000/- and Rs. 4,000/- respectively per month towards their maintenance when the Opp. Party was getting Rs. 22,000/- per month as evident from xerox certified copy of Judgment passed in Crl. Proceeding No. 83 of 2011. Therefore, the income of the Opp. Party has been increased by Rs. 11,000/- in the interregnum. Additionally, the price of the essential commodities has been also hiked. It is also evident from Ext. 1, the Form 26AS for the assessment year 2014-15, the Opp. Party has given income tax of Rs. 1,28,006/- on gross income of Rs. 4,39,968/-. Thus, these circumstances establish the change of circumstances entitling the petitioners for enhancement of their monthly maintenance. Thus, keeping into the family status and increase of salary and price hike of essential commodities, if feel it just and proper to enhance the monthly maintenance of the petitioner No.1 to Rs. 8,000/- from Rs. 7,000/- and Rs. 5,000/- from Rs. 4,000/- to the daughter (petitioner No.2). Hence, it is ordered;

O R D E R

The petition of the petitioner is allowed ex-parte in favour of the petitioner. The Opp. Party is directed to pay Rs. 8,000/- per month to the petitioner No.1 and Rs. 5,000/- to the petitioner No.2 (daughter) from the date of filing of this application i.e. from 20.04.2013 by adjusting the payment if any made by him during the period of enhancement of maintenance dues. He is further directed to pay the arrear maintenance dues within two months to the petitioners. The current maintenance amount shall be paid within the first week of each succeeding month. Any deviation in payment of maintenance dues, the petitioner is at liberty to realize the same through process of law.

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Dictated, corrected by me and is pronounced on this the 24th day of November, 2015.

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Witnesses examined for the petitioner:

P.W.1 Sarita Pani

Witnesses examined for the Opp. Party:

None

List of documents by petitioner:

Ext. 1 Self attested form 26AS of the Opp. Party

Ext. 2 Letter in respect of the salary certificate of the Opp. Party

Ext. 2/a to 2/d Salary certificates of the Opp. Party

List of documents by Opp. Party:

Nil

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