

04. 10.04.2019

Both the petitions arise out of a common order dated 20.9.2017, passed by the learned Judge, Family Court, Puri, in I.A. No.21 of 2016 were heard together and disposed by a common order.

The petitioner is the wife of opposite party. Their marriage was solemnized according to the Hindu rites and customs. Since dissension cropped up in the family, the opposite party filed an application u/s.13 of Hindu Marriage Act, 1955 (in short 'the Act') for divorce. The petitioner has filed an application u/s. Section 24 of the said Act for interim maintenance and legal expenses. According to petitioner, her husband is working as Assistant Professor in the Department of Community Medicine in Hi-Tech Medical College & Hospital, Bhubaneswar. He is getting monthly salary more than Rs.1,00,000/-. She has been blessed with a male child. She is unable to maintain herself. Opposite party filed objection resisting the claim of the petitioner. According to opposite party-husband, petitioner has completed M.Phil and Ph.D. in Botany. She is working as a guest lecturer in three colleges. She has filed number of criminal cases against him. He has taken personal loan of Rs.5,46,000/- in the year 2004. He stoutly denied the monthly income asserted by the petitioner.

To substantive case of the petitioner is that

petitioner examined herself as P.W.1. Opposite party-husband examined himself as OPW 1. No document was exhibited from either side. Learned trial court came to hold that opposite party in his cross-examination admitted that petitioner is his wife. He did not like to disclose his salary. The petitioner-wife is a guest lecturer in Botany. She is getting a meager amount of Rs.1,730/- from the private Women College, Puri. Opposite Party is working as Asst. Professor in High-Tech Medical College & Hospital, Bhubaneswar. Held so, it granted Rs.20,000/- to the wife and children towards interim maintenance and Rs.15,000/- towards litigation expenses.

In course of hearing, opposite party was directed to file an affidavit enclosing therein the salary certificate. Learned counsel for the opposite party filed an affidavit dated 10.04.2019 enclosing the salary certificate issued by the Principal, Hi-Tech Medical College & Hospital, Bhubaneswar. The same is kept on record.

The salary certificate discloses that opposite party is getting Rs.64,800/- per month. Though the learned trial Judge came to hold that opposite party has not disclosed his income, but it granted an amount of Rs.20,000/- per month on mere surmises and conjectures.

Keeping in view the status of the parties

and income of the opposite party, this Court is of the view that an amount of Rs.16,000/- (Rupees sixteen thousand) per month towards interim maintenance, i.e. $\frac{1}{4}$ th of the income will meet the ends of justice. Ordered is accordingly. The opposite party shall pay an amount of Rs.16,000/- per month from the date of filing of the application. The arrear amount shall be deposited within a period of two months. The opposite party shall go on paying the monthly interim maintenance as aforementioned.

Both the petitions are accordingly disposed of.

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Dr.A.K.Rath, J.