



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.128 of 2024

Lipsa Prusty & another

....

Petitioners

Mr. A.N.Pattanayak, Advocate

-Versus-

Santosh Kumar Sahoo & another

....

Opposite Parties

Mr. P.K.Mohanty, Advocate & Associates for O.P.Nos. 1,2, & 3

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

06.08.2024

Order No.

04.

1. This matter is taken up through virtual mode.
2. Heard learned counsel for the respective parties.
3. Instant revision petition is filed by the petitioners challenging the impugned order dated 11th January, 2023 passed in D.V. Misc. Case No. 108 of 2021 by learned SDJM(Sadar),Cuttack and judgment dated 14th December, 2023 of learned 2nd Additional Sessions Judge, Cuttack in Criminal Appeal No. 54 of 2023 to the extent indicated and further to modify direction on payment of interim maintenance from the date of application filed instead of such payment from the date of order confirmed in appeal on the grounds stated.
4. Learned counsel for the petitioners submits that the interim maintenance should have been awarded by the learned courts below from the date of application in D.V. Misc. Case No. 108 of 2021 and not from the date of order and hence, the impugned decision in appeal by learned 2nd Additional Sessions Judge, Cuttack and in



Criminal Appeal No. 54 of 2023 is not legally tenable and thus, therefore, the same is liable to be accordingly modified.

5. Learned counsel for the opposite parties submits that there was no such ground ever raised before the courts below, inasmuch as, the order of interim maintenance in D.V. Misc. Case No. 108 of 2021 was confirmed by the court in appeal hence, therefore, any such payment as to monthly alimony as an interim arrangement shall have to be from the date of order itself and not from any anterior date as it has been pleaded for by the petitioners.

6. Perused the counter affidavit filed by the opposite parties.

7. The crux of the dispute is in relation to payment of interim maintenance whether to be payable from the date of order or application filed by the petitioners. Since the interim order of maintenance is passed by the Court of first instance and the same is from the date of order, this Court is of the view that such a question to be left open for a decision at the time of final disposal of the proceeding in D.V. Misc. Case No. 108 of 2021.

8. With such conclusion, the revision petition is disposed of.

9. A certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

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