

**HIGH COURT OF TRIPURA
AGARTALA
CRL.REV P NO.1 OF 2023**

Shri Babul Kumar Saha
Vs.
Smt. Lipika Dey

HON'BLE THE CHIEF JUSTICE (ACTING)

Present:

For the Petitioner(s) : Mr. I. Chakraborty, Advocate.
For the Respondent(s) : None.

05.01.2023

Order

The case of the petitioner herein is that he is a daily labour and the respondent herein is the legally married wife of one Goutam Sarkar. Though due to cohabitation of the petitioner and the respondent-lady herein, a male child was born. The respondent-lady after abandoning the male child fled away with one Samir Malakar, a BSF personnel. After coming home from Punjab, the respondent-lady filed a case for getting maintenance allowances before the Court of learned Judge, Family Court Udaipur claiming herself as legally married wife of the petitioner herein. The learned Family Court, Udaipur Gomati District Tripura rejected the same. Thereafter the respondent filed a Criminal Revision Petition before this Court numbered as Crl.Rev.P.73/2019.

On 10.02.2020, this Court ordered a maintenance amount of Rs.2,500/- to be paid to the present respondent w.e.f. 01.02.2020. In the last part of the order, this Court noted that any findings returned by the said order would not come in the way if the respondent therein questioned the validity of the marriage in the Civil Court of Competent Jurisdiction. As such, the present petitioner questioned the validity of marriage and filed a case vide No.T.S.01/(Declaration)/2021 before the Court below for declaring that the respondent-lady is not his legally married wife. At this stage, the present respondent-lady filed an Execution Case against the petitioner and the learned Court below vide order dated 13.01.2022 directed that the petitioner would pay the arrear maintenance amount by the next date and in the failure, whereof, the Court shall execute the order passed by this Court. Thereafter, the petitioner filed a revision petition being No.Crl.Rev.P.06 of 2022 before this Court for quashing the above order. This Court vide judgment dated 10.03.2022 upheld the order of the learned Court below by stating in para-9 of the said judgment that *the Court by way of this revision petition has only made an arrangement for depositing the amount by the petitioner and withdrawal to be made by the respondent under a*

proper indemnity. The respondent shall file the indemnity before the Executive Court.

The petitioner deposited the said amount and the respondent-lady has withdrew the same by indemnity bond. Thereafter she again filed an Execution Case before the Court below for taking maintenance from the petitioner without any indemnity bond.

Hence, the petitioner filed this instant revision petition praying for the following reliefs:-

- " i) Admit the Criminal Revision Petition;*
- ii) Issue notice upon the respondent;*
- iii) Call for the lower Court records vide case no.Crl.Misc(Ex)26/2022 from the Court of Ld. Judge, Family Court, Udaipur, Gomati Tripura.*
- iv) Stay the operation of the order dated 26.09.2022 and 24.11.2022 in case No.Crl.Misc. (Ex.)26/2022 passed by the learned Court below till disposal of the instant Criminal Revision Petition.*
- v) After hearing both sides and after meticulous gone through the documents be pleased to make order by quashing the order dated 26.09.2022 and 24.11.2022 in case No.Crl.Misc. (Ex.)26/2022 passed by the Court below;*
- vi) Make order as per the order of this Hon'ble Court in Case No.Crl. Rev.P. 06/2022 dated 10.03.2022 as reflected in para-9 of the said order;*
- vii) Make order for efficacious and early disposal of the Declaration case bearing No.T.S.(Declaration)01/2021 in the Court of the learned Judge, Family Court, Udaipur, Gomati Tripura in favour of the present petitioner as far as practicable within six months as the case is now dragging for a long period;"*

This instant criminal revision petition has come up today in the motion stage. Heard Mr. I. Chakraborty, learned counsel appearing for the petitioner.

Mr. I. Chakraborty learned counsel submits that the respondent-lady is not his wife and by false document, she has taken this matter before the Court below. After withdrawing the amount deposited by the petitioner herein by indemnity bond, she has filed an Execution Case for maintenance against the petitioner without any indemnity bond before the Court below. The present petitioner is in a bedridden condition due to an accident and he is now under medical treatment. The petitioner has submitted the prescription of his injury before the Court below. The Court below has not taken into account the said fact and has issued a distress warrant in the Execution proceeding dated 24.11.2022. There is also an unnecessary delay in the declaration case.

Heard learned counsel appearing for the petitioner and perused the evidence on record.

The contention raised by the petitioner-counsel is not for this Court to decide. This Court has rejected the contention raised the petitioner in the earlier round of litigation. The petitioner in the Executive Proceeding before the lower Court was absent on 24.11.2022 and even his respective Advocate has not filed any representation that his client is unwell.

In view of the above discussion, this Court feels that this instant petition is devoid of merit and the same is liable to be dismissed and, accordingly, the same is dismissed.

CHIEF JUSTICE (ACTING)

suhanjit

