

**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Rev.P. No.05/2023

Smt. Bulti Debnath, W/O. Sri Goutam Saha, D/O. Sri Santosh Debnath, of Circuit House, Kunjaban Colony, P.S.-New Capital Complex, District-West Tripura.

..... Petitioner-Wife(s).

V E R S U S

Sri Goutam Saha, S/O. Late Mati Lal Saha, of Circuit House, Kunjaban Colony, P.S.-New Capital Complex, District-West Tripura.

.....Respondent-Husband(s).

For Petitioner(s) : Mr. A.K. Pal, Advocate.

For Respondent(s) : Mr. Sankar Bhattacharjee, Advocate,
Mr. Subendu Noatia, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

08/08/2023

Heard Mr. A.K. Pal, learned counsel for the petitioner-wife and Mr. Sankar Bhattacharjee, learned counsel for the respondent-husband.

2. Petitioner is the wife aggrieved by the award of litigation cost of only Rs.2,000/- on an application under Section 24 of the Hindu Marriage Act, 1955 during pendency of the main T.S. (Divorce) Suit No.50 of 2022 before the learned Additional Judge, Family Court, West Tripura, Agartala.

3. Learned counsel for the petitioner submits that the respondent being a businessman with an income of Rs.60,000/-, the amount of litigation cost awarded by the learned Court is too meager. As such, the impugned order may be interfered with and litigation cost at least to the tune of Rs.5,000/- be awarded.

4. Learned counsel for the respondent-husband submits that the petitioner has made an assumption of the annual income of the husband as Rs.60,000/- without any proof or furnishing of his ITR returns. It is submitted that the respondent is a businessman but earns at the best Rs.10,000/- to Rs.12,000/- per month. There is a matrimonial dispute between the parties. As such, the husband has filed a divorce suit which is pending before the same Court. It is submitted that the respondent-husband is ready to shell out some more amount for litigation cost as this Court may deem fit.

5. I have considered the submissions of learned counsel for the parties and taken note of the limited canvas of facts and assertions made by either of them on the issue of grant of litigation cost under Section 24 of the Act of 1955. It appears that Rs.2,000/- as litigation cost to the petitioner-wife for contesting the divorce suit, which may continue over a period of time, is on the lower side. However, it further appears that there are no proof in support of the assertion that the respondent-husband earns Rs.60,000/- per month out of his business. In such circumstances, this Court is of the considered view that interest of justice would be met if litigation cost of Rs.4,500/- (rupees four thousand five hundred only) is awarded in her favour. The impugned order is interfered with to that extent.

6. In case, the petitioner is in need of legal aid being covered under the definition of 'person' under Section 12(c) of the Legal Services Authorities Act, 1987, she may approach the District Legal Services Authority, West Tripura, Agartala for providing legal aid to her in defending the divorce suit. If such an application is made before the Secretary, District Legal Services

Authority, West Tripura, Agartala, the same shall be considered in accordance with law.

7. Accordingly, the instant revision petition is disposed of.

Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ

PULAK BANIK Date: 2023.08.10
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