

**HIGH COURT OF TRIPURA
AGARTALA
MAT.APP.No.03 of 2023**

Shri Babul Chandra Paul

.....Appellant(s)

Versus

Smt. Swapna Deb Roy(Paul) and Others

.....Respondent(s)

For Appellant(s)	:	Mr. G.S. Bhattacharjee, Adv.
For Respondent(s)	:	None.
Date of Hearing and delivery of Judgment and Order	:	14.03.2023

**HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE ARINDAM LODH**

Judgment & Order(Oral)

Chief Justice, Acting

Heard Mr. G.S. Bhattacharjee, learned counsel appearing for the appellant.

2. The respondent No.1 wife deserted the appellant for more than 15 years and residing separately at Agartala, in the house purchased by the appellant in the address as stated above. Considering the inconvenience of the respondents the appellant had donated the said residential house property to the respondent No.1, wife and by constructing the dwelling houses thereon. The respondent No.1 wife has her income from renting out that house property to the tenants. The respondent No.1 is earning an amount of Rs.3000/- by renting out the said house property, apart from the regular monthly maintenance of Rs.4000/- per month.

3. The respondents No.2 and 3 are the daughters of the appellant. The respondents No.2 and 3 are now major and they attained their majority. Both the respondents No.2 and 3 after their attaining majority recorded as the registered Voter being registered by the Election Commission of Tripura under 13 Pratapgarh Constituency, Smt. Rituparna Paul is at Serial No.405 and Susmita Paul is at Serial No.958 of Part 34, Voter ID Card No.NOW0252601 & NOW0271817 and thus both became major.

4. The respondents No.1, 2 and 3 herein approached the learned Family Court, West Tripura for the enhancement of the monthly maintenance under Section 127 of the Cr.P.C. The learned Court earlier allowed maintenance at Rs.4000/- per month considering all aspect, when before the trial Court the respondent No.1 admitted here illicit relationship with other male person in absence of the appellant as he is residing in his duty places being the Forest Guard. For enhancement of the said monthly maintenance, the respondent again approached the learned Family Court, West Tripura claiming that the appellant has his monthly income is more than Rs.45,000/- per month. When in fact the appellant is getting only Rs.16,552/- after deducting his Taxes and other deduction against his previous loans.

5. The learned Family Court after hearing the parties held that the respondent No.2 is major as she crossed the age of 18 years so she is not entitled any maintenance from the appellant. But in case of respondents No.3, the Family Court held that she is entitled to get monthly maintenance along with the respondent No.1.

6. The learned Family Court passed the judgment and order on 02.02.2023 which reads as under :

"Considering all aspect this court is of the opinion that Ops is in a position to pay enhanced maintenance @ Rs.6000/- for the petitioner No.1 and @ Rs.4000/- for the petitioner No.3 i.e. total Rs.10000/-."

7. The Family Court failed to appreciate the status of the petitioner No.3 herein respondent No.3 who is major and is the registered voter of the 13 Pratapgarh Constituency of Tripura, vide Voter ID No.NOW0271817, as such, she attained her majority and as per Section 125 of the Cr.P.C. she is not entitled any monthly maintenance.

8. Having heard the counsel, according to this Court, the respondent No.3, though she is a major she is a dependent and no proof is being filed to show that she is self sufficient and she has a source of income.

Accordingly, the same stands dismissed.

JUDGE

CHIEF JUSTICE (ACTING)

