

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

Crl. Rev. P. No.56 of 2022

For Appellant(s) : Mr. Ankan Tilak Paul, Advocate.
For Respondent(s) : Mr. S. Lodh, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD
_O_R_D_E_R_

18/07/2023

Heard Mr. Ankan Tilak Paul, learned counsel appearing for the petitioner also heard Mr. S. Lodh, learned counsel appearing for the respondent.

The present petition has been filed under Section-19(4) of the Family Courts Act, 1984 challenging the judgment and order dated 28.06.2022 passed in Crl. Misc. No.75 of 2020, arising out of Misc. 319 of 2017 by the learned Judge Family Court, Agartala, West Tripura whereby the learned Court below directed the petitioner to pay enhanced maintenance of Rs.10,000/- per month to the respondent.

The facts in brief are that the marriage of the petitioner and the mother of the respondent were dissolved on 13.04.2017 by a decree of divorce on mutual consent and the petitioner is the biological father of the respondent. At the time of dissolution of marriage, the mother of the respondent being a Central Govt. Employee agreed to maintain her son and also decided to keep the petitioner in her custody when the joint petition was filed by the parties under Section-13B of the Hindu Marriage Act, 1955 before the learned Family Court, Agartala, West Tripura. The respondent had thereafter filed a petition under Section-127 of Cr. P.C. vide Crl. Misc. No.75 of 2020 seeking enhancement of maintenance from the petitioner within a span of one year and few months from the date of pronouncement of judgment and order dated 24.05.2018 passed by this Court in Crl. Rev. P. No.29 of 2018 passed in the earlier round of litigations and as such, no change of circumstances had aroused or there is no change of circumstances for the respondent to seek enhanced maintenance from the petitioner.

In view of above and having heard the learned counsel appearing for the parties, this Court is of the view that it would be appropriate if the petition is disposed by remanding back the same to the learned Court below for fresh adjudication with certain directions and accordingly, the same is ordered.

Accordingly, the judgment and order dated 28.06.2022 stands set aside by remanding the petition to the learned Court below. However, the learned Court below may examine the concerned Army authority with regard to the salary of and the benefits the child is getting and also examine the corresponding educational institution wherever the child is studying needs and in the light of the

same, if any further documentary evidence is filed by the respondent-mother, the learned Court below is at liberty to examine the same and thereafter shall pass a speaking order.

In terms of the above, the matter is remitted back to the learned Court below for fresh adjudication and in the meanwhile, the petitioner-husband shall continue to pay the maintenance amount as was decided earlier and further directed to clear arrears amount, if any, within a period of one month from today.

The petition is, accordingly, disposed of in terms of the above. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUDGE

A. Ghosh

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