

**HIGH COURT OF TRIPURA
AGARTALA**
Crl. REV. P. NO.73 OF 2022

Sri Rajat Banik
Vs.
Smti. Lipi Chowdhury(Banik) and anr.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Petitioner(s) : Mr. Kohinoor N. Bhattacharjee, Advocate.
For the Respondent(s) : Mr. S. Bhattacharjee, Advocate.
Mr. K. Nath, Advocate.

04.08.2023

Order

This present revision has been filed under Section 19(4) of the Family Courts Act, 1984 read with Sections 397 & 401 of the Code of Criminal Procedure, 1973 challenging the legality, correctness & propriety of the impugned Judgment dated 15.07.2022 passed by the learned Judge, Family Court, Agartala, West Tripura, bearing Case No. Crl.Misc.39/2021, whereby the opposite party, the petitioner herein has been directed to pay maintenance of Rs.8,000/- per month to respondents No.1 & 2.

2. The brief fact of this case is that the marriage of the parties was solemnized on 28.11.2013 as per Hindu Rites and customs. After marriage, the parties started peaceful conjugal life in the house of the petitioner-husband, and out of their wedlock respondent No.2 was born. During the pregnancy, respondent No.1-wife came to her parental home for better care and regular check-up. Thereafter when he returned to her

matrimonial home, dispute began to raise between the petitioner-husband and respondent-wife. Respondent-wife alleged that she was tortured, abused, and not fed by the petitioner and his family. Due to such torture, she went into depression. In such circumstances, respondent No.1 was compelled to leave her matrimonial house along with respondent No.2 and since then the petitioner is not maintaining them. The learned Court below after hearing both sides concluded that the respondents No.1 & 2 are entitled to a maintenance from the petitioner @ Rs.8000/- per month (Rs. 5000/- for respondent No.1 and Rs.3000/- for respondent No.2).

3. Being aggrieved by the said impugned order of paying maintenance dated 15.07.2022 passed in case No.Crl.Misc.39/2021 by the learned Family Court, West Tripura, Agartala, granting maintenance of Rs.5,000/-to the respondent No.1 and Rs.3,000/- to respondent No.2, the petitioner-respondent has filed this petition seeking to quash/set aside the impugned Award.

4. Heard Mr. Kohinoor N. Bhattacharjee, learned counsel appearing for the petitioner as well as Mr. S. Bhattacharjee, learned counsel appearing for the respondents.

5. Mr. Kohinoor N. Bhattacharjee, learned counsel submits that the petitioner is working as an employee in a private firm in Bangalore and learned Court below while passing the impugned award of maintenance has not considered the evidence on records in relation to the income and the

expenditure of the petitioner-husband. The petitioner has to meet a monthly expenditure under various heads like repayment of personal loan, Home loan, flat loan, etc.

6. Heard both sides and perused the evidence on record.

7. Admittedly, the petitioner-husband is working in Bangalore as an employee in a private firm and his income is around Rs.70,000/- plus. But the petitioner has not given his designation i.e. in which post and position he is employed. Further, if the respondents have stayed with the husband-petitioner then, he would have incurred much more than Rs.8,000/- to maintain his wife and child. So this Court is of the opinion that the impugned Award of maintenance dated 15.07.2022 passed in Clr.Misc.39/2021 by the learned Judge, Family Court, West Tripura Agartala is just and proper and needs no further interference. As such, the same is upheld and affirmed.

8. With the above observation and direction, this present revision petition stands dismissed. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

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