

**HIGH COURT OF TRIPURA
AGARTALA
CRP NO.98 OF 2022**

Smt. Samhita Datta
Vs.
Sri Soman Biswas

HON'BLE THE CHIEF JUSTICE (ACTING)

Present:

For the Petitioner(s) : Mr. S. Chakraborty, Advocate.
For the Respondent(s) : Mr. S. Bhattacharjee, Advocate.
Mr. B. Saha, Advocate.

10.03.2023

Order

The fact of the case, in brief, is that the respondent-husband filed one divorce application before the learned Judge, Family Court, Agartala, West Tripura District which has been registered as TS(Div)57 of 2020. The petitioner-wife after receipt of summon had accordingly appeared before the learned Court and filed written statement denying all the allegations labeled against her. Thereafter, the petitioner in the said divorce case filed one application under Section 24 of the Hindu Marriage Act for granting maintenance *pendente lite* and the expenditure of proceeding which was registered as Civil Misc.64 of 2022 whereby the petitioner-wife claimed Rs.15,000/- for expenses of the proceeding and to pay interim maintenance to the tune of Rs.20,000/- per month for her livelihood till completion of this case vide No.T.S.(Div)57 of 2020 from the respondent. The respondent filed his written objection denying all the allegations. The husband-respondent is working at

Aix Bank as Branch Manager of Khowai Branch Office, Khowai Tripura. The learned Court below on 15.09.2022 passed the impugned order whereby Rs.5,000/- per month as maintenance *pendente lite* was allowed.

Aggrieved thereby, the petitioner has filed this instant petition and prayed for the following reliefs:-

- "a) Admit this petition.
- b) Issue notice.
- c) Call for the records and
- d) After hearing the parties interfere with the impugned order dated 15.09.2022 passed in Civil Misc.64 of 2022 in T.S.(Div)57 of 2020 passed by the learned Judge, the Family Court, Agartala, West Tripura District after setting aside the said impugned order 15.09.2022 and also to pass such other orders as the Hon'ble Court may deem fit and proper for the ends of justice."

Heard Mr. S. Chakraborty, learned counsel appearing for the petitioner-wife, and Mr. S. Bhattacharjee, learned counsel, and Mr. B. Saha, learned counsel appearing for respondent-wife.

Mr. S. Chakraborty, learned counsel appearing for the petitioner submits that the learned Court below has erred both in law as well as the fact in arriving at the conclusion while passing the impugned order. Granting Rs.5,000/- per month as maintenance *pendente lite* to the petitioner-wife by the learned Family Judge is unjust and without any basis.

On the other hand, Mr. S. Bhattacharjee, learned counsel appearing for the respondent-husband submits that petition filed by the petitioner-wife is not maintainable in its present form and nature and is liable to be set aside.

Heard both sides and perused the evidence on record. The impugned order dated 15.09.2022 passed by the Court below is just and proper and needs no interference since the same is passed after proper consideration of the evidence and fact of the case. Accordingly, the impugned order dated 15.09.2022 is confirmed, and enhancement as claimed by the petitioner-wife is rejected.

With the above observation and direction, this instant petition is dismissed. As a sequel, stay order, if any, stands vacated. Pending application(s), if any also stand closed.

CHIEF JUSTICE (ACTING)

suhanjit



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