

**HIGH COURT OF TRIPURA
AGARTALA
MAT APP NO.17 OF 2024**

Sri Litan Baidya
Vs.
Smt. Sampa Dey(Baidya)

MAT APP NO.18 OF 2024

Sri Litan Baidya
Vs.
Smt. Sampa Dey(Baidya)

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Present:

For the Appellant(s)	: Mrs. S. Deb(Gupta), Advocate. Ms. R. Dey, Advocate.
For the Respondent(s)	: Ms. A. Debbarma, Advocate. Ms. A. Debbarma, Advocate.

10.09.2024

Order

These appeals are taken up together for disposal since the same arises out of common Judgment and Decree and similar dispute and marital discord are involved.

2. Mat App No.17 of 2024 has been filed against the Judgment and Decree dated 28.03.2024 and 02.04.2024 passed by the learned Addl. District Judge Sabroom, South Tripura in T.S.(RCR)02 of 2022 allowing the wife-respondent for restitution of conjugal right and Mat App No.18 of 2024 has been filed challenging the Judgment and Decree dated 28.03.2024 and 02.04.2024 passed by the learned Addl. District Judge, Sabroom,

South Tripura in T.S.(Div) No.3 of 2022 rejecting the petition for divorce filed by the appellant-husband.

3. The brief fact of these cases are that the respondent-wife filed an application for restitution of her Conjugal right before the learned District Judge, Belonia South Tripura which was transferred to learned Sessions Judge Sabroom, South Tripura and registered as T.S.(RCR)-02/2022. The appellant-husband also filed an application for dissolution of his marriage with the respondent-wife before the learned District Judge, Belonia, South Tripura, which was transferred to the learned Sessions Judge, Sabroom South Tripura and registered as T.S.(Divorce)-03/2022. After receipt of the summons from the Court below, both the parties appeared and contested the cases and adduced their witnesses. The learned Court below vide its common Judgment and decree dated 28.03.2023 and 02.04.2024 allowed the restitution petition filed by the respondent-wife and rejected the divorce petition filed by the appellant-husband. Being aggrieved and dissatisfied with said Judgment and Decree, the appellant-husband has preferred this appeal.

4. Heard Ms. S. Deb(Gupta), learned counsel appearing for the appellant-husband as well as Ms. A. Debbarma, learned counsel along with Ms. S. Deb Barman, learned counsel appearing for the respondent-husband.

5. Mrs. S. Deb(Gupta), learned counsel appearing for the appellant-husband submits that impugned Judgment and

Decree passed by the learned Addl. District Judge, Sabroom is a result of mis-appreciation of fact and law. The learned Court below attached undue weight and importance to the pleading of the wife-respondent ignoring the defense case. The learned Court below without any basis concluded that the respondent-wife was subjected to torture both mentally and physically by the appellant-husband. Learned counsel also submitted that the mother of the appellant-husband lodged one written FIR before the O.C. Manubazar Police Station, Sabroom against the respondent-Sampa Dey, and her associates for entering into the house of the complainant and physically assaulting the husband of the complainant. Stating thus, learned counsel appearing for the appellant-husband urged this Court to allow these appeals and quash the impugned Judgment and Decree.

6. On the other hand, Ms. A. Debbarma, learned counsel appearing for the respondent-wife submits that Judgment and Decree as passed by the Court below is just and proper and needs no interference.

7. Heard and perused the evidence on record.

8. Here it is evident to mention that vide Order dated 14.08.2024, this Court tried to mutually settle the matter between the parties wherein both the parties agreed to try to lead a conjugal life. Accordingly, these cases have been fixed today to express their opinion. Today when the case is called, learned counsel appearing for the parties submitted that the attempt to

lead a conjugal life between the parties have failed. As such, today the case is heard on merit.

9. Having heard the learned counsel for the parties and having perused the record, this Court finds no infirmity in the Judgment and Decree of the learned Court below. The learned Court below based on the testimonies of the wife's father i.e. OPW-2 and the landlord i.e. P.W.-3 in RCR case concluded that the husband has committed act of cruelty and tortured the wife-respondent. The father of the respondent-wife testified that the appellant-husband used to abuse his daughter by calling her a lady of dark skin and daughter of tea stall owner. He also testified that despite several seating for compromise and settlement and birth of a female child, his son-in-law did not change his cruel conduct, acts and consequence, his daughter was driven out on two occasions. P.W.-3, the landlord also stated that the parties to the case while staying as tenants in his house, the husband subjected the wife to cruelty physically and used to treat her with contempt calling her a lady of dark skin. Due to non-fulfilment of motorbike demand, she was tortured and later on she had taken shelter in her parental home. These testimonies, which establish the abusive conduct of the husband remained unshaken and could not be demolished by the husband side. The lower Court's findings are based on sound reasoning and credible evidence, which this Court fully concurs with. Furthermore, it is evident that

the wife herein, due to the husband's continuous acts of cruelty and ill-treatment is unable to lead a normal conjugal life.

10. In view of the above, this Court confirms the impugned Judgment and Decree dated 28.03.2024 and 02.04.2024 of the learned Court below, and the appeals stand dismissed. As a sequel, stay if any stands vacated. Pending application(s) if any also stands closed.

B. PALIT, J

T. AMARNATH GOUD, J

suhanjit

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SUHANJIT SINGHA

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