

**HIGH COURT OF TRIPURA
AGARTALA
CRL.REV.P NO.35 OF 2024**

Sri Bonoraj Choudhury

.....**Petitioner(s)**

Versus

Smti Mani Singh Choudhury and anr.

.....**Respondent(s)**

For the Petitioner(s) : Mr. P. Majumder, Advocate.

For the Respondent(s) : Mr. N. Chaudhuri, Advocate.
Mr. S. Ghosh, Addl. P.P.

Date of hearing and delivery of
Judgment & Order : 03.07.2024.

Whether fit for reporting : YES/NO.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
J U D G M E N T & O R D E R(ORAL)**

This present revision petition has been filed under Section 19(4) of the Family Courts Act, 1984 read with Section 397/401 of Cr.P.C. against the impugned Order dated 08.12.2023 passed by the learned Judge, Family Court, Agartala, West Tripura in Crl.Misc.(Int.) No.486 of 2022 arising out of Criminal Misc.485 of 2022 directing the petitioner to pay Rs.10,000/-(Ten thousand) per month to the respondent w.e.f. 22.07.2022.

2. Heard Mr.P. Majumder, learned counsel appearing for the petitioner as well as Mr.N. Chaudhuri, learned counsel for

respondent No.1 and Mr. S. Ghosh, learned Addl. P.P., appearing for State-respondent No.2.

3. Mr. P. Majumder, learned counsel appearing for the petitioner submits that his client is an employee of a private firm and his monthly salary is Rs.16,666/-. Learned Court below directed the petitioner-husband to pay interim maintenance of Rs.10,000/- per month to the respondent-wife without any evidence.

To support his argument, learned counsel relied upon para-80 of the Judgment of the Hon'ble Supreme Court reported in (2021) 2SCC 324 titled s Rajnesh Vs. Neha and anr. The same is produced here-in-under:-

"80. On the other hand, the financial capacity of the husband, his actual income, reasonable expenses for his own maintenance, and dependent family members whom he is obliged to maintain under the law, liabilities if any, would be required to be taken into consideration, to arrive at the appropriate quantum of maintenance to be paid. The court must have due regard to the standard of living of the husband, as well as the spiralling inflation rates and high costs of living. The plea of the husband that he does not possess any source of income ipso facto does not absolve him of his moral duty to maintain his wife if he is able-bodied and has educational qualifications."

Stating thus learned counsel urged this Court to set aside the impugned order dated 08.12.2023.

4. On the other hand, Mr. N. Chaudhuri, learned counsel appearing for the respondent-wife submitted before this Court a document wherein it is stated that the petitioner-husband is a Director of a Private Firm namely Dream Box Marketing Assam

Private Limited and argued before this Court that the petitioner is a rich person having lot of properties.

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

6. After hearing the argument of both the parties and perusing the evidence on record as well as the document submitted by learned counsel appearing for the respondent-wife, this Court is of the opinion that the impugned order dated 08.12.2023 passed by the learned Court below is just and proper is needs no further interference or modification. Accordingly, this present revision petition stands dismissed and the impugned Order of the Court below is upheld.

7. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

suhanjit

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by RAJKUMAR
SUHANJIT SINGHA
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