

HIGH COURT OF TRIPURA

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Crl. Rev. P. No.38 of 2024

For Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate. Ms. S. Deb Barman, Advocate.
For Respondent(s)	:	Mr. B. N. Majumder, Sr. Advocate. Mr. D. J. Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

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02.08.2024

Heard Mr. P. Roy Barman, learned senior counsel assisted by Ms. S. Deb Barman, learned counsel appearing for the petitioner also heard Mr. B. N. Majumder, learned senior counsel assisted by Mr. D. J. Saha, learned counsel appearing for the respondents.

The present petition has been filed under Section-19(4) of the Family Courts Act, 1984 read with Sections-397 and 401 of Cr. P.C. against the judgment dated 20.02.2024 passed by the learned Addl. Judge, Family Court, Agartala, West Tripura District in connection with Misc 178 of 2021 under Section-125 of the Cr. P.C.

Today, when the case is called both the parties are present and has also examined both the parties i.e. the wife petitioner namely, Lusi Chaudhury (Paul) and the husband-respondent namely, Debasish Paul. It has been submitted that earlier he was a private teacher earning around Rs.5,000/-. Earlier, by way of an interim order, this Court in criminal petition No. 52 of 2021 dated 25th January, 2022 by examining the school records and the pay certificate which indicates that his monthly salary was Rs.5,000/-, as an interim maintenance Rs.3,000/- was awarded but, subsequently, the learned Court below by examining the matter has dismissed the petition for maintenance.

Being aggrieved thereby, the present petition is filed seeking maintenance of Rs.30,000/- per month.

The learned counsel for the respondents contended that the father of the respondent-husband is a retired employee of Fire Service and his health condition is also not good and the husband also lost his job as he has resigned his service while going for his father's treatment and presently he has no source of income and unable to pay maintenance thus, prayed to dismiss the case.

It has also been contended that the husband is ready to take back his wife and to continue the conjugal life. To which, the wife is not inclined go with her husband since the husband has tortured her physically, mentally and also lodged an FIR under Sections-448, 506, 109, 379 and 34 of IPC against his wife for unauthorized trespass, theft and other allegations.

Mr. B. N. Majumder, learned senior counsel has drawn attention of this Court wherein specific finding has been recorded by the learned Court below that the wife has left the matrimonial home voluntarily. On examining the statement made by the wife before this Court regarding the harassment committed by the husband coupled with the complaint made by the husband i.e. for theft, trespass and other allegations against the wife, this Court is reverses the said findings .

Viewed from any angle, it appears that their relationship could not be continued however, though it has been submitted that the husband is unemployed but it is obvious that if the wife stays with the husband, for two times of tea and two times of fooding i.e. lunch and dinner minimum Rs.200/- per day is required which amounts to Rs.6,000/- per month apart from the toiletries, cosmetics, clothing and other things which the husband has to bear and would definitely go beyond Rs.10,000/- per month.

In view of the same, to fix a notional amount towards maintenance, this Court fixes Rs.5,000/- per month to be paid as maintenance. Insofar as the arrear is concerned, the same is to be paid @Rs.3,000/- till the final disposal of the petition filed before the learned Court below and Rs.5,000/- from the date of institution of this particular case and continue to pay regularly however, the arrears to be paid in three equal monthly installments.

In that view of the matter, the present petition stands disposed of. As a sequel, miscellaneous application, pending if any, shall stand closed.

T. AMARNATH GOUD, J

A. Ghosh

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