

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
TRP(Crl) No.01 of 2023

Sri Hrishekesh Adhikari

..... *Petitioner(s)*

V E R S U S

Smt. Kabita Chakraborty representing her minor daughter Miss Hrishita Adhikari.

..... *Respondent(s)*

For Petitioner(s) : Mr. D. Sharma, Advocate.

For Respondent(s) : Ms. Priya Saha, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

=O=R=D=E=R=

03/05/2024

Heard Mr. D. Sharma, learned counsel appearing for the petitioner and also heard Ms. Priya Saha, learned counsel appearing for the respondent-wife.

[2] Petitioner-husband approached this Court in the present petition seeking transfer of Cr.Misc. Case No.476 of 2022 instituted by the respondent-wife for maintenance under Section 125 of Cr.P.C from the Court of learned Family Judge, Agartala, West Tripura to the Court of learned Family Judge, Dharmanagar, North Tripura.

[3] Petitioner had filed a suit for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955 and also for maintenance *pendente lite* under Section 24 of the Act before the learned Family Court, Dharmanagar, North Tripura. Petitioner contended that he is suffering from

various diseases and has to undertake treatment at Christian Medical College, Vellore whereas the respondent-wife is employed as a Rural Programme Manager under Block Development Officer, Kadamtala R.D. Block, Dharmanagar, North Tripura.

[4] Respondent appeared upon notice. This Court directed the parties to explore the chances of amicable settlement between the spouses. It was also conveyed that the parties are interested in settling the matter instead of pursuing litigations against each other. Later, during course of conciliation between the parties, with the help of good offices of the learned counsels, the respondent-wife indicated her intention to extend financial help both as a responsible spouse and on humanitarian grounds to the petitioner as he was suffering from chronic illness of kidney. This gesture of the respondent has been recorded in the order dated 6th September, 2023. The proceedings of the case therefore adjourned for several dates trying to explore the possibility of financial assistance under Government Welfare Scheme for the treatment of the petitioner for his chronic illness.

[5] Meanwhile, the respondent started paying Rs.2,000/- as maintenance from the Month of October, 2023 considering the fact that the petitioner is unemployed and also suffering from chronic kidney disease. Reports were called for from the State Legal Services Authority as to the consideration of the case under Tripura Health Assurance Scheme for Poor (THASP). Petitioner was also examined by the Medical Board. However, his case under THASP did not lead to any fruitful result. Meanwhile, learned

Advocate General was requested to intervene in the matter to resolve the issue. Pursuant to the efforts taken by the office of learned Advocate General and concerned officials of the State, the petitioner has been brought under the cover of “*Mukhyamantri Lok Sevak Arogya Yojana*” which is a scheme for granting financial assistance to the needy and poor for treatment of chronic medical conditions.

[6] This fact has been brought to the notice of the Court upon instructions by learned counsel for the petitioner on the previous date. Today, when the matter has been taken up, learned counsel for the petitioner submits that if the respondent agrees to withdraw the maintenance case instituted against him in the above circumstances when the petitioner himself is unemployed and has been in need of financial assistance for his treatment for chronic medical condition, the whole litigation for transfer of such maintenance case instituted by the wife would come to an end. He also submits that the respondent has been gracious enough to extend monetary help during the time of crisis to the petitioner for undertaking medical treatment though she herself was pursuing the maintenance case against him. Learned counsel for the petitioner submits that the petitioner would not be pressing the maintenance petition under Section 24 of the Hindu Marriage Act 1955 in the TS (RCR) No.14 of 2023 as respondent has voluntarily been extending monetary help to the petitioner.

[7] Taking into account all these factors, learned counsel for the respondent submits that the petitioner would withdraw the maintenance case.

Both the parties should also explore the possibility of amicable settlement of their matrimonial dispute in TS(RCR) Case No.14 of 2023 pending before Dharmanagar, North Tripura.

[8] In view of such gracious gesture shown on behalf of the respondent, this Court is also of the view that continuance of this petition for transfer of the maintenance case instituted by the respondent-wife would serve no fruitful purpose. It is expected that the respondent would proceed to withdraw the maintenance case on the very next date before the learned Family Court, Agartala. Learned Family Court, Dharmanagar would make conscious efforts to ensure that the parties arrive at an amicable settlement and if necessary through conciliation and mediation.

[9] The instant petition stands disposed of. Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH) CJ

SIDDHARTHA
LODH

 Digitally signed by SIDDHARTHA
LODH
Date: 2024.05.09 17:25:53 +05'30'

Dipesh