

**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Rev.P.45 of 2024

Shri Sujoy Sarkar

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

Versus

Smt. Papai Datta (Sarkar) and another

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

For Petitioner(s) : Ms. S. Deb Barman, Advocate.

For Respondent(s) : Mr. D. Debnath, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

14.08.2024

Heard Ms. S. Deb Barman, learned counsel appearing for the petitioner.

Also heard Mr. D. Debnath, learned counsel for the respondents.

[2] This criminal revision petition is filed under Section 19(4) of the Family Courts Act, 1984 read with Section 397 Cr.P.C. and 401 of the Cr.P.C against the impugned judgment and order dated 12.04.2024 passed in case No. Criminal Misc.142 of 2021 by the learned Addl. Judge, Family Court, Agartala, West Tripura.

[3] The impugned order dated 12.04.2024 passed by the learned Court below in case No. Criminal Misc.142 of 2021 reads as under:

"....O R D E R

[29] In the result, the petition dated 06-03-2021 lodged by the claimant-petitioners is partly allowed as per sec.125(1) of Cr.P.C., with effect from the date of petition. The petitioner No.2 ms. Smily Sarkar is awarded maintenance allowance @ Rs. 10,000/- (Rupees ten thousand) only per month w.e.f the month of March, 2021 onward.

[30] The arrear maintenance accumulated during the period of March, 2021 till the month of April, 2024 shall be paid by OP within 60 days from this date in the bank account of the petitioner No.1 Smt. Papai Datta. In the event of his failure to make the payment of the arrear calculated for the aforesaid period, the same may be recovered from him as per law.

[31] O.P. Sri Sujoy Sarkar is directed to pay the monthly maintenance allowance of Rs. 10,000/- (Rupees ten thousand) only per month to the petitioner No. 2 with effect from the month of May, 2024 and onward by depositing the same in the bank account of the wife- petitioner Smt. Papai Datta within first week of every following English calendar month.

[32] The order of interim maintenance, if any, passed in favour of the petitioners stands vacated henceforth.

[33] Supply a copy of this judgment to both parties at free of cost.

[34] Thus, the case stands allowed & disposed of on contest.....”

[4] Ms. S. Deb Barman, learned counsel for the petitioner submits that learned Court below failed to appreciate the evidence on record and has rendered perverse findings against the petitioner in directing the petitioner to grant Rs.10,000/- per month w.e.f. March, 2021 onwards in favour of the respondent No.2 and also to clear up the arrear maintenance from March,2021 till the month of April, 2024 within a period of 60 days from the date of the impugned order dated 12.04.2024. She contends that the petitioner is serving as ARDD, under the Animal Husbandry Department, Govt. of Tripura and presently gets Rs.33,374/- as his monthly salary and he needs to take care of his old parents who live with him. She further contends that the petitioner has been directed to pay the arrear maintenance from March, 2021 to April 2024 within a short period of 60 days from the date of impugned order passed by the Court below. According to her, it is not possible for the petitioner to pay such a huge amount within a short period of time. Learned counsel, therefore, urges this Court to set aside the impugned order dated 12.04.2024 passed by the Court below.

[5] On the other hand, Mr. D. Debnath, learned counsel for the respondents submits that the respondent No.2 i.e. the daughter of the petitioner and respondent No.1, is not able to walk, speak and feed herself. She requires regular treatment and for the said purpose, about Rs.15,000/- is being spent every month. Learned counsel, in this regard, has submitted a 'Medical Illness Certificate' dated 24.07.2024 and further contends that the instant criminal revision petition filed by the petitioner is liable to be dismissed.

[6] Heard the submissions made by the learned counsel for the parties. Perused the record.

[7] Since, there is no dispute regarding the fact that the daughter of the petitioner (respondent No.2) is suffering from serious illness, this Court is of the considered opinion that it is the duty of the petitioner as a father to look after his daughter and as such, there is no infirmity in the observation made by the learned Court below in awarding maintenance allowance @ Rs.10,000/- (Rupees ten

thousand) only per month for respondent No.2. However, insofar as the arrear maintenance accumulated is concerned, the petitioner is directed to pay the same with equal installments within a period two years.

Hence, the impugned order passed by the learned Court below is modified to the extent as indicated above. Apart from the observation made above, all other aspects of the impugned judgment and order dated 12.04.2024 passed by the learned Court below shall remain unaltered.

In view of the above, the present petition is disposed of. As a sequel, miscellaneous application(s) pending if any, shall also stand closed.

JUDGE

Sabyasachi. G.

RAJKUMAR SUHANJIT
SINGHA

Digitally signed by RAJKUMAR
SUHANJIT SINGHA
Date: 2024.08.27 14:16:55 +05'30'

