

**HIGH COURT OF TRIPURA
AGARTALA
Crl. Rev. P. No.41 of 2023**

Sri Jayeswar Namasudra,
S/O Late Joy Kumar Namasudra,
Resident of Village Dab Bari, Mechuria,
P.S – Kachu Cherra,
District – Dhalai Tripura

-----Petitioner

Versus

1. Smt. Namita Sarkar,
W/o Sri Jayeswar Namasudra
D/o- Sri Harendra Sarkar,
Vill- Tulabagan, PS- Sidhai,
District – West Tripura

2. The State of Tripura

----Respondents

For Petitioner(s)	:	Mr. K. Datta, Adv.
For Respondent No.1	:	None.
For Respondent No.2	:	Mr. S. Ghosh, Addl. P.P.
Date of hearing	:	06.02.2024
Date of delivery of Judgment & Order	:	12.02.2024
Whether fit for reporting	:	NO

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

This Criminal Revision Petition under Section 397 read with Section 401 of Cr.P.C is filed for setting aside/quashing the judgment and order dated 15.06.2023 passed by Learned Additional Judge, Family Court, West Tripura, Agartala in connection with Crl. Misc 128 of 2021.

2. Heard Learned Counsel Mr. K. Datta for the petitioner. At the time of hearing, Learned Counsel for the respondent is found to be absent.

3. Before conclusion of the case, let us see the subject matter of the proceeding before the Learned Court below. The OP wife Smt. Namita Sarkar submitted an application under Section 125 of Cr.P.C read with Section 7 of the Family Courts Act for granting her maintenance allowance from the petitioner-husband.

4. It was the case of the OP-wife that her marriage was solemnized with the petitioner-husband in the house of her brother on 02.12.2018 according to Hindu Marriage Rites and Customs. In the marriage, her brother gave different articles like wooden cot, freeze, Tea-Table, Alna, Sofa Set, Showcase, etc along with gold made ornaments like Earring, Necklace, and cash of Rs.32,000/- to the petitioner-husband as per the demand. But within one month of marriage, the petitioner-husband demanded Rs.2,00,000/- from the OP-wife and for that she was subjected to torture by her husband and other family members. After one and half month of their marriage, the OP-wife found that the petitioner-husband and his elder sister-in-law were in compromising situation in the room of her elder sister-in-law. Seeing the same, she raised objection and on this issue, she was also assaulted by the petitioner-husband. On this account, so many meetings were held to resolve the issue and in the meeting, the petitioner-husband admitted that he would

not continue such act in future and also assured not to cause any further cruelty upon the OP-wife. The last meeting was held on 10.10.2019 thereafter on 15.10.2019 in the morning, the petitioner-husband along with his elder sister-in-law, elder brother, Sri Jitendra Namasudra and his mother conjointly assaulted the OP-wife by fist and blows. When the OP-wife to save her life tried to took shelter in the residence of one Sushen Namasudra but said Sushen Namasudra was not available that time. The petitioner-husband dragged her by catching her hair and severely tortured her and she was thrown in a longa on that day. After that she was found herself in bed at Kulai Hospital when after getting the information, the brother of the OP-wife along with others came and in the Hospital, she was admitted therein with effect from 15.10.2019 to 18.10.2019 and on that issue, one case was registered at Kachu Cherra PS vide Kachu Cherra PS case No.10 of 2019 under Section 325/498-A/34 of IPC. After discharge from the Hospital, the OP-wife went to her matrimonial home along with her brother for staying therein but that time they did not accept her until the demand of Rs.2,00,000/- is fulfilled and since 18.10.2019, the OP-wife was staying in the residence of her brother.

5. The OP-wife further took the plea that her husband from that time did not pay any maintenance to her and so she claimed Rs.10,000/- per month as maintenance allowance from her husband i.e. the present petitioner. It was further asserted that the petitioner-husband is the owner of a

rubber plantation as well as he has got one auto-rickshaw and used to earn Rs.50,000/- per month from his sources and used to lead luxury life while the OP wife was passing her days with severe hardships.

6. Initially, before the Court of Learned Additional Family Judge, a process of reconciliation of the matter was taken up but that could not be settled. However, the petitioner-husband as OP contested the case by filing one written objection denying all the assertions of his wife in her claim petition. It was further asserted that the OP-wife was not willing to discharge her marital duties and the petitioner-husband and his mother were residing separately and his brother was residing separately and the OP-wife was reluctant to do household works, rather, she was interested to spend time with one Sushen Namasudra and she used to reside in the house of said Sushen Namasudra in the nights also without the consent of the petitioner-husband. Further, it was asserted by the petitioner-husband in his objection that the OP-wife created pressure upon him to stay with his wife at her brother's house at Tulabagan, Mohanpur and as he refused her proposal, so in his absence, the OP-wife used to cause torture upon his aged mother physically using filthy languages.

7. It was further asserted by the petitioner-husband that at the instance of said Sushen Namasudra, the OP wife lodged a false criminal case under Section 498-A of IPC against him and further submitted that the OP-wife left his residence in

connivance with Sri Sushen Namasudra without his consent and by the objection, prayed for dismissal of the proceeding. Upon consideration of the application and the objection of the petitioner-husband, Learned Court below determined the following points for decision of the case:

"Points For Determination

[10] Considering the pleadings, evidence and submission of Ld. Counsels of both parties following points are taken up for determination:-

i) Whether petitioner is the legally married wife of OP Sri Jayeswar Namasudra?

ii) Whether OP has neglected to give maintenance to the petitioner since 18-10-2019?

iii) Whether petitioner has just ground to claim maintenance allowance from OP?

iv) Whether the petitioner is unable to maintain herself and OP has sufficient means of income?

v) Whether the petitioner is entitled to get monthly maintenance allowance of Rs.10,000/- per month for herself from OP?"

8. Before the Learned Trial Court, the wife-petitioner herein the OP adduced four witnesses but no documentary evidence was adduced by the wife-petitioner. On the other hand, the OP-husband although submitted examination-in-chief of 5 witnesses but failed to adduce those witnesses for their cross-examination by the other side. Even no documentary evidence was adduced by the OP-husband before the Learned Court below and ultimately the Learned Additional Judge, Family Court by judgment and order dated 15.6.2023 allowed the claim application of the wife-petitioner granting maintenance allowance against the OP-husband now the petitioner herein.

9. For the sake of convenience, I would like to refer herein below the operative portion of the Order of Learned Additional Family Judge:

ORDER

[31] In the result, it is hereby held that the petition dated 01-03-2021 lodged by the claimant-petitioner is allowed as per sec.125(1) of Cr.P.C with effect from the date of petition. The wife-petitioner Smt. Namita Sarkar is awarded maintenance allowance @ Rs.8,000/- (rupees eight thousand) only per month w.e.f. the month of March, 2021 onwards.

[32] The arrear maintenance accumulated from the month of March, 2021 till the month of May, 2023 is Rs.2,16,000/- (@ Rs.8,000/- X 27 months) which the OP is liable to pay to the petitioner.

[33] O.P. Sri Jayeswar Namasudra is hereby directed to pay the arrear maintenance of Rs.2,16,000/- (Rupees two lakhs & sixteen thousand) only either wholly or partly by way of 54 nos. equated monthly installments @ Rs.4,000/- (rupees four thousand) only per month in favour of the wife-petitioner Smt. Namita Sarkar with effect from the month of June, 2023 by depositing the same in her bank account no. 8042012056517 IFSC Code No.UTBIORRBTGB (maintained at Tripura Gramin Bank, Mohanpur Sidhai Branch) within first week of every following month of English calendar until realization.

[34] O.P. Sri Jayeswar Namasudra is also directed to pay the monthly maintenance allowance of Rs.8,000/- (Rupees eight thousand) only per month to the wife-petitioner from the month of June, 2023 and onward by depositing the same in the bank account of the petitioner bearing no. 8042012056517, IFSC Code No.UTBIORRBTGB (maintained at Tripura Gramin Bank, Mohanpur Sidhai Branch) within first week of every following English calendar month and he shall continue to pay the same even after recovery of the arrear money indicated above.

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

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

10. In course of hearing of argument, Learned Counsel for the petitioner-husband submitted that before the Learned Trial Court, the petitioner-husband submitted examination-in-chief of witnesses namely Priyabala Namasudra, Tarun Namasudra, Anjana Namasudra, Rakesh Namasudra and

the petitioner-husband Jayeswar Namasudra himself but the Learned Trial Court did not allow the petitioner-husband to be cross-examined by the other side for which the petitioner-husband has been seriously prejudiced and urged before the Court to remand back the case to the Learned Court below for allowing the petitioner-husband to adduce his witnesses afresh for conducting his defence properly. It was further submitted that without any basis, the Learned Court below has awarded maintenance allowance at the rate of Rs.8,000/- per month which is too high and the petitioner-husband being a poor person is not in a position to pay that amount. Moreso, he has got no rubber plantation and auto-rickshaw of his own. So, if the maintenance allowance awarded by the Learned Court below is not modified and the case is remanded back to the Learned Trial Court for taking evidence of the petitioner-husband afresh then the present petitioner-husband would be seriously prejudiced.

11. In spite of opportunity, none appeared on behalf of the OP-wife at the time of hearing of argument of this case. I have perused the record and it appears that in spite of allowing opportunity on three occasions i.e. on 17.03.2023, 18.03.2023 and 18.04.2023, the petitioner-husband i.e. the OP of the original proceeding failed to adduce his witnesses before the Learned Court below for cross-examination by the other side by seeking time and ultimately, Learned Court below rejected the

application seeking adjournments and fixed the case for hearing of argument and judgment.

12. The present petitioner-husband did not challenge the order of the Learned Court below regarding refusal to grant adjournments to adduce witnesses. So, the plea taken by Learned Counsel for the petitioner cannot be accepted at this stage.

13. The petitioner has challenged the proceeding under Section 125 of Cr.P.C. So, considering the materials on record let us proceed to dispose of the case as per law. I have gone through the record of the Learned Court below and also heard argument of Learned Counsel for the petitioner-husband.

14. From the record of the Learned Court below, it appears that there is no dispute on record in respect of the marriage of the petitioner-husband with the OP-wife on 02.12.2018 according to Hindu Marriage Rites and Customs. The petitioner-husband as OP by his written objection did not deny that fact. It is also on record that after the marriage both the parties started living together as husband and wife. But after few days, the petitioner-husband and his family started causing cruelty upon the OP-wife seeking money. Although no specific date was mentioned when the money was demanded and how the petitioner-husband caused cruelty upon the OP-wife and at the same time also, the petitioner-husband failed to discard that portion of evidence of the OP-wife.

15. It is also on record that after one and half month of marriage, the OP wife one day found the petitioner-husband and his elder sister-in-law in some offensive situation for which she raised objection and for that also, the petitioner-husband and his other family members assaulted and caused hurt to the OP-wife and for that she was admitted in Kulai Hospital for three days. On that issue, a specific criminal case was registered under Section 325/498-A/34 of IPC against the petitioner-husband and his family members. The petitioner-husband by way of cross-examination of the OP-wife and her witnesses could not discard that portion of evidence nor could raise any cloud to disbelieve their evidence.

16. In course of cross-examination of the wife by the petitioner-husband, she stated that her mother-in-law is aged about 70 years and she led her conjugal life at her matrimonial home for a period of 10/11 months. She also could not specifically say the date when the OP husband i.e. the present petitioner demanded Rs.2,00,000/-. Nothing more came out from her cross-examination.

Similarly, PW-2, Arati Sarkar in her examination-in-chief by way of affidavit, tried to support the case of the OP-wife but during cross-examination, she specifically stated that the second party i.e. the present petitioner-husband demanded Rs.2,00,000/- from the OP-wife but she could not say the date. Nothing more came out relevant from her cross-examination.

Similarly, PW-3, Nitya Ranajan Biswas in his examination-in-chief by way of affidavit supported the version of the OP-wife in her claim application but during cross-examination, he only stated that he heard from his niece that the petitioner-husband i.e. the second party had illicit relation with his elder sister-in-law. Nothing more came out relevant from his cross-examination.

PW-4, Bhulan Namasudra also in his examination in chief by way of affidavit tried to support the version of the OP-wife but during cross-examination, he stated that he has got no documents to show regarding rubber plantation, auto-rickshaw, cultivating land and fishery of the second party i.e. the present petitioner.

17. The OP-wife, Namita Sarkar in para 10 of her examination-in-chief by way of affidavit stated that the petitioner has got rubber plantation, auto rickshaw including farming land and three numbers of fisheries and used to earn Rs.50,000/- per month.

Similarly, Smti Arati Sarkar in para 7 of her examination-in-chief by way of affidavit also reiterated the same fact. PW-3, Nitya Ranjan Biswas in para 7 of his examination-in-chief by way of affidavit also reiterated the same fact and PW-4, Bhulan Namasudra in para 7 of his examination-in-chief by way of affidavit also referred the same contents regarding monthly income of the petitioner-husband i.e. the OP of the original proceeding.

18. Those witnesses as I have already stated were tested for cross-examination by the petitioner-husband i.e. OP of the original proceeding but their evidence could not be shaken by the petitioner-husband before the Learned Court below and at the same time, it is also true that the OP wife as petitioner in the proceeding could not submit any documentary evidence showing the actual monthly income of the petitioner-husband in support of her claim petition.

19. Learned Court below at the time of determination of the monthly income of the petitioner-husband came to the observation in Para 27 of the judgment that the monthly income of the OP husband can be assessed to Rs.30,000/- to Rs.40,000/- and accordingly, determined the maintenance allowance at the rate of Rs.8,000/- per month. The petitioner-husband as OP at the time of filing his statement of assets and liabilities by way of affidavit in part 1, in column No.10 shown his monthly income as Rs.3,000/- and in column No.16 shown the monthly income of his mother is Rs.2,000/- as MGNREGA worker. But, as observed by Learned Court below, this plea cannot be accepted since the petitioner-husband during recording of evidence of the witnesses of the OP-wife could not raise any circumstances or satisfactory grounds to disbelieve their evidence regarding his monthly income.

20. In this regard, I would like to refer **Rajnesh v. Neha and another** reported in **(2021) 2 SCC 324** in case no.

Crl. Appl. No.730 of 2020 dated 04.11.2020, wherein Hon'ble the Apex Court has given certain directions in disposal of the maintenance proceeding and other cases under other provisions of law in granting maintenance. In para 34 and 38, the Hon'ble Apex Court observed as under:

"34. In *Bhagwan Dutt v Kamla Devi* :(1975) 2 SCC 386 the Supreme Court held that under Section 125(1) Cr.P.C. only a wife who is "unable to maintain herself" is entitled to seek maintenance. The Court held : (SCC p.392, para 19)

***"19. The object of these provisions being to prevent vagrancy and destitution, the Magistrate has to find out as to what is required by the wife to maintain a standard of living which is neither luxurious nor penurious, but is modestly consistent with the status of the family. The needs and requirements of the wife for such moderate living can be fairly determined, only if her separate income, also, is taken into account together with the earnings of the husband and his commitments."* (emphasis supplied)**

35. Prior to the amendment of Section 125 in 2001, there was a ceiling on the amount which could be awarded as maintenance, being Rs. 500 "in the whole". In view of the rising costs of living and inflation rates, the ceiling of Rs. 500 was done away by the 2001 Amendment Act. The Statement of Objects and Reasons of the Amendment Act states that the wife had to wait for several years before being granted maintenance. Consequently, the Amendment Act introduced an express provision for grant of "interim maintenance". The Magistrate was vested with the power to order the respondent to make a monthly allowance towards interim maintenance during the pendency of the petition. Under sub-section (2) of Section 125, the court is conferred with the discretion to award payment of maintenance either from the date of the order, or from the date of the application. Under the third proviso to the amended Section 125, the application for grant of interim maintenance must be disposed of as far as possible within sixty days from the date of service of notice on the respondent.

36. The amended Section 125 reads as under:

"125. Order for maintenance of wives, children and parents.- (1) If any person having sufficient means neglects or refuses to maintain-

(a) his wife, unable to maintain herself, or

(b) his legitimate or illegitimate minor child, whether married or not, unable to maintain itself, or

(c) his legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is, by reason of any physical or mental abnormality or injury unable to maintain itself, or

(d) his father or mother, unable to maintain himself or herself.

a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, father or mother, at such monthly rate as such Magistrate thinks fit, and to pay the same to such person as the Magistrate may from time to time direct:

Provided that the Magistrate may order the father of a minor female child referred to in clause (b) to make such allowance, until she attains her majority, if the Magistrate is satisfied that the husband of such minor female child, if married, is not possessed of sufficient means :

Provided further that the Magistrate may, during the pendency of the proceeding regarding monthly allowance for the maintenance under this sub-section, order such person to make a monthly allowance for the interim maintenance of his wife or such child, father or mother, and the expenses of such proceeding which the Magistrate considers reasonable, and to pay the same to such person as the Magistrate may from time to time direct:

Provided also that an application for the monthly allowance for the interim maintenance and expenses of proceeding under the second proviso shall, as far as possible, be disposed of within sixty days from the date of the service of notice of the application to such person.

Explanation. – For the purposes of this Chapter,-

(a) "minor" means a person who, under the provisions of the Indian Majority Act, 1875 (9 of 1875); is deemed not to have attained his majority;

(b) "wife" includes a woman who has been divorced by, or has obtained a divorce from, her husband and has not remarried.

(2) Any such allowance for the maintenance or interim maintenance and expenses of proceeding shall be payable from the date of the order, or, if so ordered, from the date of the application for maintenance or interim maintenance and expenses of proceeding, as the case may be.

(3) If any person so ordered fails without sufficient cause to comply with the order, any such Magistrate may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines, and may sentence such person, for the whole, or any part of each month's allowance for the maintenance or the interim maintenance and expenses of proceeding, as the case may be, remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment if sooner made:

Provided that no warrant shall be issued for the recovery of any amount due under this section unless application be made to the Court to levy such amount within a period of one year from the date on which it became due:

Provided further that if such person offers to maintain his wife on condition of her living with him, and she refuses to live with him, such Magistrate may consider any grounds of refusal stated by her, and may make an order under this section notwithstanding such offer, if he is satisfied that there is just ground for so doing.

Explanation. – If a husband has contracted marriage with another woman or keeps a mistress, it shall be considered to be a just ground for his wife's refusal to live with him.

(4) No wife shall be entitled to receive an allowance for the maintenance or interim maintenance and expenses of proceeding, as the case may be, from her husband under this section if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.

(5) On proof that any wife in whose favour an order has been made under this section is living in adultery, or that without sufficient reason she refuses to live with her husband, or that they are living separately by mutual consent, the Magistrate shall cancel the order.”
(emphasis supplied)

37. In *Chaturbhuj v Sita Bai* :(2008) 2 SCC 316 this Court held that the object of maintenance proceedings is not to punish a

person for his past neglect, but to prevent vagrancy and destitution of a deserted wife by providing her food, clothing and shelter by a speedy remedy. Section 125 CrPC is a measure of social justice especially enacted to protect women and children, and falls within the constitutional sweep of Article 15(3), reinforced by Article 39 of the Constitution.

38. Proceedings under Section 125 CrPC are summary in nature. In *Bhuwan Mohan Singh v. Meena* : (2015) 6 SCC 353 this Court held that Section 125 CrPC was conceived to ameliorate the agony, anguish, financial suffering of a woman who had left her matrimonial home, so that some suitable arrangements could be made to enable her to sustain herself and the children. Since it is the sacrosanct duty of the husband to provide financial support to the wife and minor children, the husband was required to earn money even by physical labour, if he is able-bodied, and could not avoid his obligation, except on any legally permissible ground mentioned in the statute."

From the aforesaid principle of law laid down by the Hon'ble Apex Court it appears that the object of the maintenance proceeding is not to punish a person for his past neglect, but to prevent vagrancy and destitution of a deserted wife by providing her food, clothing and shelter by a speedy remedy. It was further observed that it is the sacrosanct duty of the husband to provide financial support to the wife, even by physical labour, if he is able bodied and could not avoid his obligation, except on any legally permissible ground mentioned in the statute.

Further in para 84 of the said judgment in **Rajnesh(supra)**, it was further observed:

"84. The Delhi High Court in *Bharat Hegde v. Saroj Hegde* :2007 SCC OnLine Del 622 laid down the following factors to be considered for determining maintenance: (SCC OnLine Del para 8)

- "1. Status of the parties.
2. Reasonable wants of the claimant.
3. The independent income and property of the claimant.

4. The number of persons, the non-applicant has to maintain.
5. The amount should aid the applicant to live in a similar lifestyle as he/she enjoyed in the matrimonial home.
6. Non-applicant's liabilities, if any.
7. Provisions for food, clothing, shelter, education, medical attendance and treatment, etc. of the applicant.
8. Payment capacity of the non-applicant.
9. Some guesswork is not ruled out while estimating the income of the non-applicant when all the sources or correct sources are not disclosed.
10. The non-applicant to defray the cost of litigation.
11. The amount awarded under Section 125 CrPC is adjustable against the amount awarded under Section 24 of the Act." "

From the above principle, it appears that in determining maintenance, the aforesaid factors to be considered by the Court.

21. Here, in the case at hand, although, the OP-wife all along took the plea that her husband has got his monthly income around Rs.50,000/- and the petitioner-husband has got rubber plantation, auto rickshaw, income from cultivation, etc. But in this regard, not a single piece of documentary evidence has been adduced by the OP-wife before the Learned Court below. The petitioner-husband although took the plea that his earning is Rs.3,000/- per month but in this regard he has failed to adduce any satisfactory cogent evidence on record before the Learned Court below and the Learned Court below thus discarded that plea of the petitioner-husband that his monthly income is Rs.3,000/- per month and determined the amount of compensation at the rate of Rs.8,000/- per month. Learned Court below also came to the observation that his monthly

income can be assessed to Rs.30,000/- to Rs.40,000/- per month but it is not clearly explained as to how the Learned Court below assessed the amount of monthly income of the petitioner-husband at the time of disposal of the proceeding. At the same time, it is also true that the petitioner-husband being a able bodied person cannot not avoid his responsibility to maintain his wife i.e. the OP of this proceeding since she is the legally married wife of the petitioner-husband and there was no dispute on record in this regard.

22. It is also on record that after desertion from the matrimonial home the OP-wife is presently staying in the residence of her brother at Mohanpur, West Tripura. There is also no evidence on record that the OP-wife is earning any income for her livelihood rather it appears that she is depending upon the income of her elder brother and passing days in hardships in the residence of her brother as such she is legally entitled to get maintenance from her husband i.e. the petitioner of this proceeding. There is also no evidence on record that the petitioner-husband is a salaried person and furthermore, no income certificate of the petitioner-husband is proved or produced by the OP-wife before the Learned Court below. From the record of the Learned Court below, it appears that the OP-wife exactly could not say the actual profession of the petitioner-husband i.e. the OP of the original proceeding. Just the wife and her witnesses asserted that his monthly income from auto-rickshaw, rubber plantation, fishery is Rs.50,000/-

but no documentary evidence is proved by the OP-wife in the proceeding before the Learned Court below. At the same time also, the petitioner-husband failed to discard that part of evidence of the OP-wife before the Learned Court below but in his affidavit submitted at the time of filing objection, he has mentioned that he is a day labourer by profession/occupation and is aged about 40 years.

Since there is no evidence on record that the petitioner-husband was/is suffering from any illness and it was also on record that probably he was staying with his mother and considering the status of the petitioner-husband, it appears that as a day labourer/cultivator or auto-driver, he used to earn not less than Rs.20,000/- per month and it appears to this Court that Learned Court below at the time of determination of compensation in para 27 of the judgment wrongly assessed his monthly income Rs.30,000/- to Rs.40,000/- per month which needs to be modified.

23. So, after going through the record of the Learned Court below and considering all the circumstances, it appears that the monthly income of the petitioner-husband as OP in the original proceeding should not be less than Rs.20,000/- per month, if he either earns his monthly income as a day labourer/auto driver or as a cultivator, etc. So, taking into consideration all aspects, his monthly income is determined not less than Rs.20,000/- per month and considering the present status and position of the OP-wife in my considered view, it

would be prudent if the OP-wife is awarded maintenance allowance at the rate of Rs.7,000/- per month from the date of petition/application i.e. from the month of March,2021 onwards.

24. In the result, the revision petition filed by the petitioner-husband is hereby partly allowed with modification that the petitioner-husband shall pay maintenance allowance at the rate of Rs.7,000/- per month from the month of March, 2021 onwards. The arrear maintenance allowance from the month of March, 2021 upto the month of May, 2023 is accumulated to Rs.1,89,000/- (Rs.7,000/- X 27 months) which shall be paid by the petitioner-husband to his wife i.e. the petitioner-wife of the original proceeding. The petitioner-husband is directed to pay the arrear amount of Rs.1,89,000/- (One Lakh Eighty-nine thousand only) either wholly at one time or partly by way of 54 numbers of equal monthly installments as ordered by the Learned Court below at the rate of Rs.3,500/- per month in favour of the OP-wife with effect from the month of June,2023 onwards as ordered by Learned Trial Court below, in addition to his normal maintenance allowance of Rs.7,000/- per month by crediting the same in her bank account (OP wife) no.8042012056517, IFSC code No.UTBIORRBTGB (maintained at Tripura Gramin Bank, Mohanpur Sidhai Branch) deducting the amount, if already paid, with a further direction to pay the amount within first week of every succeeding month in which the monthly maintenance allowance shall become due to the OP-wife.

25. With this observation, this revision petition is disposed of. Pending application(s), if any, also stands disposed of. Send down the LCR along with a copy of this judgment and order. A copy of this judgment and order also be supplied free of cost to the Learned Counsel of the parties for information and compliance.

JUDGE



MOUMITA
DATTA
Deepshikha

Digitally signed by MOUMITA DATTA
Date: 2024.02.13 15:17:52 +06'00'