

**HIGH COURT OF TRIPURA
AGARTALA
CRL. REV. P NO.57 OF 2024**

Smt. Rinku Deb Das and anr.
Vs.
Sri Debabrata Deb.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Petitioner(s) : Mr. A. Bhaumik, Advocate.
For the Respondent(s) : None.

02.09.2024

Order

This petition is filed challenging the Judgment and Order dated 25.06.2024 passed in case No. Criminal Misc.(Int.) 630/2023 in Crl. Misc 629/2023 by the learned Family Court, West Tripura, Agartala whereby the learned Court below has directed the respondent-husband to pay an amount of Rs.15,000/- (Rupees Fifteen Thousand) only per month as maintenance i.e. @ Rs.7,000/- for the petitioner No.1 and @ Rs.8,000/- for the petitioner No.2.

2. The petitioners filed an application before the Court below seeking interim monthly maintenance of Rs.40,000/- per month. The Court below after examining the matter granted an interim maintenance of Rs.7,000/- per month to the petitioner no.1 i.e. wife-petitioner and Rs.8,000/- per month to the petitioner No.2 i.e., the minor child. In total, it stands at Rs.15,000/- per month. Not satisfied with the same, the

petitioners are before this Court seeking enhancement of the interim maintenance during the pendency of the main case before the Court below.

3. It is stated in the written objection of the respondent-husband before the Court below that his gross salary is Rs.95,125/- per month and after deduction, he is getting Rs.50,567/- per month. In the said amount, he also has his personal expenses and other expenses which have already been explained by him. Accordingly, the Court below has fixed the interim maintenance @ Rs.15,000/- per month which is just and reasonable.

4. Mr. A. Bhaumik, learned counsel appearing for the petitioners contends that the Court below has not taken into consideration the GPF amount of the husband-respondent since it is a saving. Learned counsel has placed reliance on the judgment of the Hon'ble Supreme Court in **Kalyan Dey Chowdhury vs. Rita Dey Chowdhury** reported in **AIR 2017 SC 2383**, wherein, it is stated that 25% of the net income of the husband is to be shared towards maintenance to the claimants.

5. Since the matter is pending before the Court below, this Court is not inclined to express any opinion on the merits of the case and accordingly, the interim maintenance order passed by the Court below is confirmed for the present. However, the

Court below may look into the matter and decide the same as expeditiously as possible.

6. In the meantime, Mr. Bhaumik, learned counsel appearing for the petitioners contends that the respondent-husband is not paying the amount of maintenance which has been already fixed by the Court below, and prays that there be a direction to the concerned officers to deduct the salary of the respondent and to make the payment to the petitioners.

It is not for this Court to consider the same as the petitioners are having effective remedy before the appropriate Court to take steps in the event of any default of payment of maintenance.

7. With the above observation, the present petition stands dismissed, and accordingly, the same is disposed of. As a sequel, miscellaneous application(s) pending if any, shall also stand closed.

JUDGE

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