

**HIGH COURT OF TRIPURA
AGARTALA
Crl.Rev.P 59 of 2024**

Smt. Diptasikha Adhya(Deb) and Anr. Petitioner(s)

Versus

Sri Sourav Adhya Respondent(s)

For the Petitioner(s)	:	Mr. P. K Ghosh, Advocate.
For the Respondent(s)	:	None.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
ORDER**

07.09.2024

Heard Mr. PK Ghosh, learned counsel appearing for the petitioners. None appears on behalf of respondent.

[2] This Present petition has been filed under section 397 read with section 401 of the Cr.P.C seeking the following reliefs :-

"i. Admit the revision petition.

ii. Call for the records.

iii. Issue notice upon the respondent,

AND

iv. After hearing the parties your lordship may be pleased to enhance the order of maintenance from Rs.8,000/- (Rupees Eight Thousand) per month to Rs.20,000/- (Rupees Twenty Thousand) per month in favour of the petitioners and set aside the order dated 25.04.2024 passed by the learned Family Court, Agartala, West Tripura in connection with case No. Crl. Misc. 391 of 2020 and may pass any other order or orders as your Lordship may think fit and proper."

[3] Being aggrieved and dissatisfied with the order dated 25.04.2024 passed by the Learned Judge, Family Court, Agartala, West Tripura in connection with Case No.Crl. Misc. 391 of 2020 the present revision petition has been preferred by the petitioners.

[4] Mr. P K Ghosh, learned counsel appearing for the petitioners submits before this court that the impugned order dated 25.04.2024 is contrary to law. The learned Court below has fixed the income of the respondent-husband at least of Rs. 40,000/- per month in all probability. Although respondent-husband is earning much higher than this. He further submits that out of Rs.40,000/- the petitioners herein could be provided Rs.20,000/- per month as maintenance allowance. But the learned Court below has granted only Rs.8,000/- per month as maintenance for the petitioners which is not just and proper in the eye of law.

[5] Heard and perused the evidence on record.

[6] It is seen from the order of the learned Court below that the respondent-husband is earning at least of Rs. 40,000/- per month and has the responsibility of parents. The said factual position cannot be ignored while fixing the maintenance amount.

[7] It is also observed that while fixing the maintenance allowance the learned Court below followed the Judgment and Order of the Hon'ble Supreme Court passed in **Kalyan Dey Chowdhury Vs. Rita Dey Chowdhury Nee Nandy**, reported in **(2017) 14 SCC 200**, in which the Hon'ble Apex Court has followed the quantum of maintenance fixed by the Apex Court in another land mark judgment in **Dr.Kulbhushan Kumar Vs. Smt. Raj Kumari and Another** reported in **1970 (3) SCC 129** wherein, it has been held that 25% of the net income of the husband should be paid to the wife as maintenance. This court also while fixing the maintenance of allowance does not find any infirmity with the order impugned passed by the learned Court below.

[8] In view of the analysis made by the Learned Court below and after going through the material evidence on record, this Court is of the view that the maintenance as awarded by the learned Family Court is just and proper and needs no interference. Thus, the findings as arrived by the learned Family Court stands affirmed. Consequently, the present petition stands dismissed.

As a sequel, miscellaneous application(s) pending if any, shall stand closed.

JUDGE



सत्यमेव जयते

Paritosh

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SUHANJIT
SINGHA

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