

**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Rev.P. No.50 of 2023

Sri. Sandeep Deb,
S/O. Sri Narayan Ch. Deb,
R/O. Usha Bazar, New Bharat Ratna Club,
PS:-Airport, District:-West Tripura

..... Petitioner

Versus

1.Smt. Sanjukta Dey,
W/O. Sri Sandeep Deb.
D/O. Sri Sankar Lal Dey.

2.Sompriya Deb,
D/O. Sri Sandip Deb,
(Being minor to be represented by her natural guardian, next of
kin and mother the Respondent No-1).
Both are residents of Krishnagar,
Near Haradhan Sangha, PO:-Agartala,
PS:- West Agartala, District:- West Tripura.

...Respondents

For Petitioner(s)	:	Mr. R.G. Chakraborty, Adv.
For Respondent(s)	:	Mr. P. Roy Barman, Sr. Adv, Mr. K. Nath, Adv. Mr. D. Paul, Adv.
Date of Hearing	:	01.04.2024
Date of delivery of Judgment and Order	:	04.04.2024
Whether fit for Reporting	:	NO

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

Heard Mr. R.G. Chakraborty, Learned Counsel for the revision petitioner and also heard Learned Senior Counsel, Mr. P. Roy Barman assisted by Mr. K. Nath and Mr. D. Paul, Learned Counsel for the respondents. This Revision Petition is filed under Section 19(4) of the Family Courts Act 1984, read with Section 401 and 397 of Cr.P.C. challenging the order dated 03.05.2023 passed by Learned Additional Family Judge, Family Court, Agartala, West Tripura in Misc.

28 of 2023. By the said order, Learned Additional Family Judge, Family Court on the basis of reconciliation report disposed of the case on the ground of compromise amongst the parties and directed the petitioner-husband to pay maintenance of Rs.9000/- per month to this wife.

02. In course of hearing of argument, Learned Counsel for the petitioner submitted that although it was a consented order and Learned Additional Judge, Family Court directed the present petitioner to pay allowance of Rs.9000/- per month to the wife, Smt. Sanjukta Dey, within first week of every month but that order was passed beyond the consent of the present petitioner-husband and more so, he is not in a position to pay the said amount to the wife-respondent and urged for remanding back the matter to the Learned Additional judge, Family Court for *denovo* proceeding for the sake of justice.

03. On the other hand, Learned Senior Counsel, Mr. P. Roy Barman assisted by Mr. K. Nath and Mr. D. Paul, Learned Counsel for the respondents, in course of hearing submitted that before the Learned Family Court during the stage of reconciliation, the matter was taken up for decision amongst the rival parties and after prolong discussions, both the parties had put their signatures on the settlement form and accordingly, the Principal Counselor, Family Court submitted report and on the basis of that report the case was finally disposed of. So, at this stage, there is no scope on the part of the petitioner-husband to challenge that order.

And it is also the settled position of the law that there is no scope to challenge the compromised order/decreed of the Family Court.

04. I have seen the records of the Learned Court below. It appears that during the process of reconciliation the matter was settled amongst the parties and after discussions, it was decided that the petitioner husband shall pay Rs. 9000/- to the respondent-wife and accordingly, on the basis of report of the Principal Counselor, the Learned Additional Judge, Family Court disposed of the case by order dated 03.05.2023. But before the Learned Additional Judge, Family Court, the present petitioner-husband did not file any petition nor sought for any redress that his signature was obtained beyond his consent/free will.

It is to be noted here that before this Court also an initiative was taken to settle the dispute amongst the rival parties but after prolong discussions it was found that there is no immediate chance of settlement amongst the rival parties of this longstanding dispute.

05. In **Velayudhan vs. Deepa & Anr.** dated 23.09.2011 reported in **(2011) SCC OnLine Ker 3840**, Hon'ble High Court of Kerala in para Nos.3 and 5 observed as under:

"3. There can be no distinction on this question when it comes to a Family Court. Section 19(2) of the Family Courts Act, 1984 is similar to Section 96(3) of the Code of Civil Procedure. Therefore, on the face of Section 19(2) of the Family Courts Act, this appeal does not lie. The appeal is liable to be

rejected, as one that is not provided for by law.

5. Hence, holding that the appeal is liable to be rejected, the CM Application is dismissed and the appeal is rejected, leaving open the appellant's right, if any, to seek remedy before the court that passed the impugned consent decree, in accordance with law. As regards that, we leave open all issues because, different precedents covering that field stare at us, dissuading any expression in that regard."

06. In view of the same, at this stage, I find no scope to modify/set aside the order dated 03.05.2023 passed by Learned Additional Judge, Family Court, Agartala, West Tripura in the afore noted case on the ground that the same was based on the basis of reconciliation prior to passing of the final order.

07. Thus, the Revision Petition has got no merit and accordingly, it stands rejected being devoid of merit. However, the petitioner-husband, if he is so advised may take proper recourse of law to agitate his issue before the concerned Court. It is further ordered that the petitioner-husband shall comply with the Court's order dated 03.05.2023 in letter and spirit to prevent his wife to suffer from vagrancy and destitution.

The case is thus disposed of contest.

Send down the LCR along with copy of order.

JUDGE

SABYASACHI
BHATTACHARJEE

Digitally signed by SABYASACHI
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