

**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Rev.P. No.71/2024
I.A. No.01/2024 in Crl.Rev.P. No.71/2024
I.A. No.02/2024 in Crl.Rev.P. No.71/2024

Sri Sanjit Tripura, S/O. Late Senkumar Tripura, Resident of Charanpai Para,
Muhuripur, P.O.-Muhuripur, P.S.-Baikhora, District-South Tripura.
..... Petitioner(s).

V E R S U S

1. Smt. Lali Darlong (aged 50 years), W/O. Sri Sanjit Tripura, D/O. Sri Kunga Darlong.
2. Prosper Tripura (aged 13 years), S/O. Sri Sanjit Tripura,
Both of Old Kathalcherra, Nepal Tilla, P.O.-Nepal Tilla, P.S.-Manu, District-Dhalai Tripura.
3. The State of Tripura, Represented by the Secretary-cum-Commissioner,
Government of Tripura.
.....Respondent(s).

For Petitioner(s)	: Mr. A. Acharjee, Advocate.
For Respondent(s)	: Mr. Raju Datta, P.P.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

20/11/2024

By the impugned order dated 07.06.2024 passed in Misc.(Interim) No.10 of 2023, the learned Sub-Divisional Judicial Magistrate, Longtharai Valley, Dhalai Judicial District, Tripura has directed the respondent/petitioner-husband herein, to make payment of Rs.5,000/- (rupees five thousand) as interim maintenance along with arrears of maintenance from the date of the application, i.e. 08.12.2023. The petitioner-husband being aggrieved has preferred this application under Section 397 read with Section 401 of the Cr.P.C.

Mr. A. Acharjee, learned counsel for the petitioner, has submitted that there are disputes as to the legality of the marriage between the parties and moreover, no proof of any income either of the respondent/petitioner herein or

of the petitioner/respondent-wife herein has been submitted before the learned trial Court. Mere on *ipse dixit* the impugned order has been passed directing the petitioner to make payment of sum of Rs.5,000/- as interim maintenance. It is submitted that the main case being Misc.(Main) No.27 of 2023 is still pending. It would be onerous for the petitioner to make payment of the interim maintenance which is to be paid as per the impugned order along with arrears from the date of the application.

Mr. Raju Datta, learned Public Prosecutor, has questioned the maintainability of the instant application against the interim order passed in a pending maintenance case.

Upon hearing learned counsel for the petitioner and the State, this Court is of the considered view that interference in interim maintenance at this stage is not warranted given the fact that the status of the parties is to be determined at the time of final decision in the main maintenance matter and moreover, the respondent-wife is living in destitution along with a minor son whose educational expenses have also to be borne by her. The learned trial Court has referred to the decisions of the Apex Court in the case of ***Bhagwan Dutt versus Kamala Devi*** reported in (1975) 2 SCC 386, in the case of ***Bhuwan Mohan Singh versus Meena & others*** reported in (2015) 6 SCC 353 and also that of ***Rajnesh versus Neha & another*** reported in (2021) 2 SCC 324 and in the factual matrix of the case granted interim maintenance @ Rs.5,000/- per month from the date of filing of the interim application, i.e. 08.12.2023.

In such circumstances, without interfering in the interim order, this Court is of the considered view that interest of justice would be served if the learned trial Court is directed to dispose of the main maintenance case in a

time bound manner, preferably within a period of 3(three) months from the date of receipt of copy of this order. Parties shall cooperate in the proceedings and in case, any of the parties fails to cooperate, it would be open for the learned trial Court to proceed in the matter and dispose of the main maintenance case. Till then, it would be proper that the petitioner-husband pays the maintenance amount from the date of the impugned order dated 07.06.2024. Learned trial Court may not insist upon payment of the arrears since the date of filing of the interim application on 08.12.2023 as the main matter is to be decided in a time bound manner.

With the aforesaid observation, the instant revision petition is disposed of.

The delay condonation petition [I.A. No.01 of 2024] and the stay petition [I.A. No.02 of 2024] stand closed.

(APARESH KUMAR SINGH), CJ

Pulak

DIPESH DEB

Digitally signed by DIPESH DEB
Date: 2024.11.21 15:15:51
+05'30'