

**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Rev.P. No.72/2024

1. Sri Sudhir Chandra Sarkar, S/O. Suresh Chandra Sarkar.
 2. Smt. Smriti Roy Sarkar, W/O. Sri Sudhir Chandra Sarkar,
Both are residents of Ishanchandranagar, Haripur, P.O.-Ishanchandranagar,
P.S.-Amtali, District-West Tripura, Pin-799003.
- Petitioner(s).

V E R S U S

Sri Rijan Sarkar, Deputy Manager, S/O. Sri Sudhir Chandra Sarkar, Office of
the Brahmaputra Cracker and Polymer Limited Dibrugarh, P.S.-Dibrugarh,
State-Assam, Pin-786001, Mobile No.6900183910/9089192307.

.....Respondent(s).

For Petitioner(s)	: Mr. A.K. Pal, Advocate.
For Respondent(s)	: None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

22/11/2024

Heard Mr. A.K. Pal, learned counsel appearing for the petitioners.

2. This petition is under Sections 397 and 401 of the Criminal Procedure Code (Cr.P.C., for short) seeking enhancement of the interim maintenance awarded at the rate of Rs.5,000/- and Rs.10,000/- respectively in favour of the petitioners No.1 and 2 who are the father and mother of the respondent by the learned Judge, Family Court, Agartala, West Tripura vide impugned order dated 26.09.2024 in Crl.Misc.(Interim) No. 106 of 2024 arising out of Crl.Misc. No.105 of 2024.

3. Learned counsel for the petitioners submits that the petitioners had sought a maintenance of Rs.15,000/- + Rs.25,000/- for each of the petitioners since the petitioner No.1 who is a retired person is getting Rs.19,160/- only as pension. Both the petitioners are unable to bear the expenses for their daily

living including house rent, electricity, housemaid expenses, food, cloth, conveyance etc., whereas the respondent-son is getting a gross salary of Rs.1,38,885/- and still unwilling to provide enough support to the old aged parents who have given birth to him and brought him up with decent education and upbringing as a result of which he is occupying a responsible post of Deputy Manager in a Company in Assam. On the other hand, respondent's wife has instituted two cases under Domestic Violence Act against the petitioners as a vengeance. Learned Family Court has, however, refused to grant better interim maintenance though petitioners are in serious need of financial support from their only son, i.e. the respondent who has enough sources of income. Therefore, he has prayed for suitable direction for enhancement of the interim maintenance amount.

4. I have heard learned counsel for the petitioners and taken note of the relevant materials relating to the consideration and grant of interim maintenance by the learned Family Court, Agartala, West Tripura in the scale of Rs.5,000/- to petitioner No.1-father and Rs.10,000/- to petitioner No.2-mother till the main matter is decided.

5. The learned trial Court has during course of the decision taken note of the fact that though the respondent is earning a sum of Rs.1,38,885/- but is getting net salary of Rs.86,812/- and that the respondent is also suffering from certain diseases. True it is that he is employed as Deputy Manager in a Company in Assam. The learned trial Court has also taken note of the stand of the respondent that because of demand of dowry by the parents against his wife

and in laws, the relationship has got sour. His wife has been compelled to lodge Domestic Violence cases against the parents.

6. Upon perusal of the impugned judgment and upon consideration of submission of learned counsel for the petitioners, this Court, however, at this stage is of the view that instead of entering into the merits of the contention on the question of grant of interim maintenance under Section 125 of the Cr.P.C. to the petitioners who are parents of the respondent which exercise may unnecessarily delay the main proceedings, it would be proper that the learned Family Court, Agartala, West Tripura be asked to dispose of the main maintenance application in a time bound manner so that the issues on merits can be duly adjudicated upon the pleadings, affidavits and evidence adduced by the parties.

7. Learned counsel for the petitioners submits that in that case if the Court is not inclined to interfere in the matter of interim maintenance at this stage in revision, the learned Family Court may be directed to decide the main maintenance matter within a period of 2(two) months.

8. Having regard to the discussion made hereinabove, this Court is not inclined to interfere in the interim maintenance awarded to the petitioners by the learned Family Court. The learned Family Court, Agartala, West Tripura shall endeavour to decide 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.

Needless to say, both the parties shall cooperate in the proceedings and in case any of the parties fails to do so, it would be open for the learned Family Court to proceed in accordance with law.

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

(APARESH KUMAR SINGH), CJ

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