

HIGH COURT OF TRIPURA

AGARTALA

FA 7 of 2023

Smt. Priyanka Chowdhury

W/O- Sri Subham Banik, aged about 27 years, D/O. Sri Narayan Chowdhury, resident of Adarsha Palli, Gandhi School, Road, P.S.- East Agartala, P.O- College Tilla Dist.- West Tripura, Pin- 799004

---Appellant(s)

Versus

Sri Subham Banik

S/O. Sri Sudharshan Banik, Resident of Ramthakur Road, Town Pratapgarh, P.S.- East Agartala, P.O- College Tilla, Dist.- West Tripura, Pin-799004, Tripura.

---Respondent(s)

For the Appellant(s)	:	Mr. S. Lodh, Advocate Mr. Kishalay Roy, Advocate
For the Respondent(s)	:	Mr. PK Biswas, Sr. Advocate Mr. Rishiraj Nath, Advocate Mr. Pujan Biswas, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH
HON'BLE MR. JUSTICE S.D. PURKAYASTHA

Order

27.06.2024

Heard Mr. S. Lodh, learned counsel appearing for the appellant-wife as well as Mr. PK Biswas, learned senior counsel assisted by Mr. Rishiraj Nath, learned counsel and Mr. Pujan Biswas, learned counsel appearing for the respondent-husband.

This is a first appeal filed under Section 19(1) of the Family Courts Act, 1984, challenging the judgment & order dated 14.07.2023 passed by the learned Judge, Family Court, West Tripura, Agartala, Court No.1, in Civil Misc.81 of 2022 arising out of T.S.(Div) 211 of 2022, whereby learned Judge, Family Court rejected the prayer of the appellant for granting maintenance *pendente lite* and litigation expenses.

Mr. Lodh, learned counsel for the appellant-wife has submitted that the appellant has no source of permanent income at present, though she is earning some money from her cloth business. He further has submitted that if the maintenance is not granted to her, then, she would be incapable to survive.

On the other hand Mr. Biswas, learned senior counsel for the respondent-husband has submitted that the appellant-wife has enough source of income and she is an income tax assessee. As such, she is not entitled to get maintenance. Learned senior counsel further has submitted that the respondent-husband has no income and he is totally dependent on the income of his father.

However, Mr. Lodh, learned counsel has disputed the IT returns and the Bank statements of the appellant-wife.

We have considered the submissions of learned counsel appearing for the parties.

After perusal of the records, we find that the husband-Subham Banik had gone for several pleasure trips to Singapore, Indonesia, Europe with the respondent-wife. Our *prima facie* opinion is that a husband without income cannot take his wife to pleasure trips to such places as stated above. Further Mr. Biswas, learned senior counsel for the respondent-husband has submitted that the expenditure of those trips was borne by his father.

We are not passing any final opinion at this stage. However, considering the various matters of disputes, as an interim measure, we direct the respondent-husband to pay a maintenance allowance of Rs.5,000/- per month in favour of appellant-wife. The learned Judge, Family Court is directed to consider all the evidence on record while granting maintenance to the appellant-wife during final disposal of the petition for maintenance.

This is just an interim order. It is made clear that the learned Judge, Family Court will not be influenced by any of the observations made in this order while passing the final order.

The respondent-husband is also directed to pay a cost of Rs.10,000/- as litigation expenses.

With the aforesaid observations and directions, the instant appeal stands disposed of.

JUDGE

JUDGE