

HIGH COURT OF TRIPURA
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CRL REV P No.02 of 2025

Sri Dipankar Mallik, son of Sri Ratan Mallik, resident of Village Dudhpuskarini, P.S. Kakraban, Udaipur, District- Gomati Tripura.

..... *Petitioner(s)*

V E R S U S

1. Smt. Jayasree Goswami, wife of Sri Dipankar Mallik.

2. Miss Dibayanka Mallik, daughter of Sri Dipankar Mallik,

Both are residents of Dudhpuskarini, Udaipur, District- Gomati Tripura.

Present address :- D/O Sri Shiba Prasad Goswami, resident of Rabindra Pally, P.S. R.K. Pur, Udaipur, District- Gomati Tripura.

(The respondent No.2 being minor, represented by her mother, the respondent No.1 herein).

..... *Respondent(s)*

For Petitioner(s) : Mr. Indrajit Chakraborty, Advocate.

For Respondent(s) : Mr. Arijit Bhaumik, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

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26/03/2025

सत्यमेव जयते

Heard Mr. Indrajit Chakraborty, learned counsel for the petitioner-husband and also heard Mr. Arijit Bhaumik, learned counsel for the respondent-wife and the minor daughter.

The grievance of the petitioner is in a narrow campus as reflected in the order dated 29.01.2025 which is extracted hereunder:

“The learned Judge, Family Court, Udaipur District, Tripura has awarded maintenance @ Rs.5,000/- per month to the respondent No.2-minor daughter and arrears of Rs.1,70,000/- for the period January, 2022 to October, 2024 to be paid in 34 equal monthly installments @ Rs.5,000/- per month in addition to the regular payment of current monthly maintenance.

Mr. Indrajit Chakraborty, learned counsel for the petitioner submits that the petitioner is willing and ready to pay the monthly maintenance amount but since his salary is in the range of Rs.20,000/- per month as an employee of the health department and he has to maintain his aged ailing parents, therefore, it would be onerous for him to pay the arrears of Rs.1,70,000/- in installments of Rs.5,000/- per month for 34 months. He submits that the installments of

Rs.5,000/- per month for payment of arrears of maintenance may be suitably reduced and the period may be increased.

The learned Judge, Family Court, Udaipur, Gomati District, Tripura has not awarded any maintenance in favour of the respondent No.1- wife.

Let issue notice only on the question of payment of monthly installments of arrears at the rate of Rs.5,000/- per month for 34 months as ordered by the learned Judge, Family Court, Udaipur, Gomati District, Tripura upon the respondents under ordinary process and speed post for which requisites be filed within one week.

Notice is made returnable on 05.03.2025.”

Mr. Indrajit Chakraborty, learned counsel for the petitioner submits that since the salary of the petitioner per month as an employee of the health department is not in a higher range and that he has other duties to discharge towards his ailing aged parents, payment of arrears of Rs.1,70,000/- in 34 installments would be onerous upon him. Therefore, the petitioner prays that the installments may be suitable reduced and the period of payment may be increased.

Mr. Arijit Bhaumik, learned counsel for the respondent-wife has opposed the prayer. He submits that the monthly installments are spread over 34 months at the rate of Rs.5,000/- per month which as per the salary of the petitioner, as revised from time to time, would not be so onerous to pay.

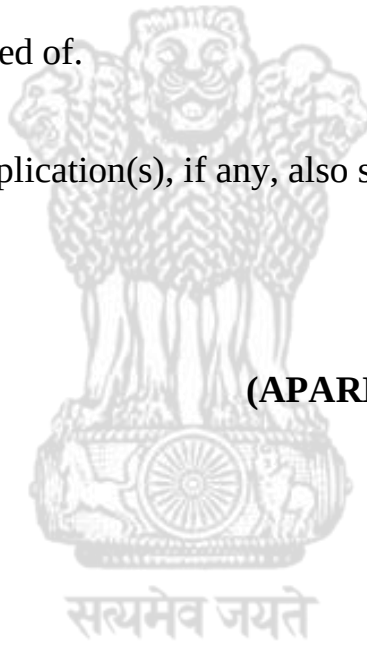
I have considered the submissions of learned counsel for the parties and taken note of the materials which are relevant on the issue of modification of the impugned order so far as the fixation of monthly installments for payment of arrears of Rs.1,70,000/- is concerned. The petitioner is a Group-D employee and, therefore, his salary is not in a higher range. He appears to have other responsibility also to discharge towards his parents and himself. If the payment is deferred in more installments, the

respondents would not suffer as the amount in any way has to be paid to them. In such circumstances, this Court is of the view that the arrears of Rs.1,70,000/- due from January, 2022 to October, 2024 be paid by the petitioner to the respondents in monthly installments of Rs.4,000/- per month which could translate into about 42.5 monthly instalments. The last instalment would be of the remaining amount left.

With the aforesaid modification in the impugned order, the instant petition is disposed of.

Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH) CJ



DIPESH DEB

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