

**HIGH COURT OF TRIPURA
AGARTALA**

Crl. Rev. Petn. No.7 of 2025

Kadir Mia, S/o Farid Mia, of Rajbari Ward No.9, Durgapur, P.S.-Dharmanagar,
North Tripura.

..... Petitioner(s).

V E R S U S

1. Jannat Begam, W/o Kadir Miah, D/o Mijanur Rahaman, of South Indranagar, Mashjid Para, P.S. NCC, P.O. Indra Nagar, Agartala, Tripura (W).
2. Nadina Begam, D/o Kadir Miah of South Indranagar, Mashjid Para, P.S. NCC, P.O. Indra Nagar, Agartala, Tripura (W) (being a minor represented by its mother-petitioner No.1)

..... Respondent(s).

For Petitioner(s)	: Mr. Dipankar Sarma, Advocate, Ms. Debleena Chakraborty, Advocate.
For Respondent(s)	: None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

19/02/2025

Heard Mr. Dipankar Sarma, learned counsel together with Ms. Debleena Chakraborty, learned counsel for the petitioner.

By the impugned order dated 03.01.2025 passed in Crl. Misc. (Int). No.73/2024 arising out of Crl. Misc. No.72 of 2024, the learned Additional Judge, Family Court, Agartala has granted interim maintenance @Rs.2,500/- each in favour of the wife and the minor daughter (respondents herein) *with effect from* January, 2025. The main Crl. Misc. No.72 of 2024 instituted under Section 125 of the Cr.P.C is pending.

Mr. Dipankar Sarma, learned counsel for the petitioner submits that two criminal cases bearing CR(IPC) No. 76 of 2024 and CR(IPC) No. 159 of 2023 have been instituted against the wife. CR(IPC) No. 76 of 2024 is

instituted under Sections 494, 495, 496 & 497 of IPC on which the learned Chief Judicial Magistrate, North Tripura, Dharmanagar has taken cognizance of the offence on 05.06.2024. CR(IPC) No. 159 of 2023 is instituted under Sections 420 and 503 of IPC before the same Court. Respondent No.1 has concealed the factum of her first marriage and, therefore, the alleged performance of the marriage with the present petitioner is 'no marriage' in the eye of law. The learned Additional Judge, Family Court, Agartala has failed to take note of these factors and straightway allowed the interim maintenance in favour of the wife and minor daughter. Petitioner is a daily wage labourer whose sources of income are not stable nor enough to pay such maintenance to the respondent No.1-wife at least. However, he is ready to pay interim maintenance to the minor daughter. Therefore, the petitioner has approached this Court.

On consideration of the submission of the learned counsel for the petitioner and the attended material facts placed from record, this court is of the considered view that since the main matter is pending and all issues on the legality and validity of the marriage or the status of the present petitioner is yet to be determined and the fact that the petitioner is also ready and willing to pay interim maintenance in favour of the minor daughter for the time being, the impugned order needs no interference on grounds of impropriety or illegality. However, the learned Addl. Judge, Family Court, Agartala would endeavor to decide the main maintenance case in a time bound manner subject to cooperation by the rival parties preferably within a period of six months from the date of receipt of copy of this order.

Accordingly, the instant petition is disposed of without interfering in the impugned order.

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

(APARESH KUMAR SINGH), CJ

