

**HIGH COURT OF TRIPURA
AGARTALA**

FA NO.1 OF 2025

Sri Suman Chakraborty

Vs.

Smti Shreya Shil(Chakraborty)

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Present:

For the Appellant(s)

: Mr. P. Rathor, Advocate.
Mr. N.G. Nandi, Advocate.
Mr. S. Debbarma, Advocate.

For the Respondent(s)

: None.

08.04.2025

Order

This appeal has been filed against the order dated 28.11.2024 passed in Civil Misc. 58/2023 (arising out of T.S. (Div) 142/2023) by the learned Additional Judge, Family Court, Agartala, West Tripura.

2. The brief facts of this case are that the respondent-wife filed an application for a decree of dissolution of marriage under Section 13(1)(a)(b) of the Hindu Marriage Act, 1955 against the appellant-husband before the learned Additional Family Judge, Agartala, Tripura, which was registered as T.S. (Div) 142/2023. During the pendency of the divorce application, the respondent also filed another application for maintenance *pendente lite* and expenses of the proceedings, which was registered as Misc. 58/2023. The appellant, after receiving the summons, filed a written objection along with some documents in support of the respondent's source of income and property ownership. On 28.11.2024, the learned Additional Family Judge, West Tripura awarded Rs. 10,000/- towards litigation costs and

Rs. 3,000/- per month towards her maintenance pendente lite w.e.f. November 2024 until disposal of the original suit. Being aggrieved and dissatisfied with the order dated 28.11.2024, the appellant preferred this appeal.

3. Today the matter came up for admission. Heard Mr. P. Rathor, learned counsel appearing for the appellant-husband. None appears for the respondent-wife.

4. Learned counsel for the appellant submits that the appellant earns a nominal income and has to maintain his aged parents. He is already paying Rs. 5,000/- as ad-interim maintenance to the respondent and her daughter. According to the appellant, the respondent has sufficient means of income from her business.

5. Heard and perused the record.

6. Having considered the submissions of the learned counsel for the appellant-husband and the findings of the Court below, it is evident that the respondent-wife has insufficient means to sustain her livelihood, and to meet the educational and medical expenses of her minor daughter, along with litigation costs. The appellant is engaged in gainful employment as a supervisor under a government contractor, indicating a sufficient earning capacity. Rs. 5,000/- earlier awarded was found to be inadequate to meet the petitioner's necessary expenses. The Court below rightly held that the respondent cannot escape his responsibility to provide maintenance and litigation expenses, irrespective of the pendency of the divorce proceedings. In view of the above, this Court finds no infirmity in the impugned order passed by the court below granting Rs. 3,000/- towards her

maintenance pendente lite and allowing litigation costs to the appellant. Accordingly, there is no ground for interference with the impugned order, and the appeal is dismissed.

7. As a sequel, any stay granted stands vacated.
Pending application(s), if any, also stand closed.

B. PALIT, J

T. AMARNATH GOUD, J

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