

**HIGH COURT OF TRIPURA
AGARTALA**

**I.A. No.01/2025 in Crl.Rev.P. No.15/2025
Crl.Rev.P. No.15/2025**

Shri Goutam Debnath, S/O. Late Laxman Debnath, Resident of Village-Dakshin Chandrapur Village, Udaipur, P.S.-R.K. Pur, P.O.-South Chandrapur, District-Gomati Tripura, Pin-799013.

..... Petitioner(s).

V E R S U S

1. Smt. Arpita Debnath, W/O. Shri Goutam Debnath.

2. Mst. Shibam Debnath, S/O. Shri Goutam Debnath, Both are residents of Dakshin Chandrapur Village, Udaipur, P.O.-South Chandrapur, P.S.-R.K. Pur, District-Gomati Tripura, Pin-799013.

Presently residing at-C/O. Shri Ratan Kumar Roy, Arunachal Sangha Road, Rajarbag, Udaipur, P.O. & P.S.-R.K. Pur, District-Gomati Tripura, Pin-799120. Mobile No.8787624619/9863120536.

..... Respondent(s).

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

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

19/03/2025

Heard Mr. Rohan Chakraborty, learned counsel for the petitioner-husband.

2. The husband is the revision petitioner who has assailed the order dated 09.02.2024 passed by the learned Judge, Family Court, Udaipur, Gomati Tripura in Criminal Misc. (Interim) No.18 of 2022 arising out of Crl.Misc. No.74 of 2022 whereby the respondent No.1-wife and the minor son have been awarded interim maintenance @ Rs.7,500/- per month totalling Rs.15,000/- taking the salary of the petitioner as Rs.47,623/-. The petition has been filed after 303 days of delay, for condonation of which I.A. No.01 of 2025 has been preferred.

3. Learned counsel for the petitioner has sought to explain the delay in filing the instant revision petition on the ground that the certified copy of the impugned order could not be obtained within time. It is also submitted that petitioner-husband has other liabilities which have not been taken into account while awarding interim maintenance @ Rs.7,500/- in favour of the respondent-wife and minor son. The interim maintenance is exorbitant. Therefore, petitioner-husband being aggrieved has approached this Court.

4. On consideration of the prayer made by learned counsel for the petitioner on the delay condonation application and after going through the impugned order, it appears that the interim maintenance has been awarded in a maintenance case instituted under Section 125 of the Cr.P.C. after two years by order dated 09.02.2024. The learned Court has taken note that the monthly salary of the O.P. is Rs.47,623/- while he has been making payment of Rs.10,000/- to Rs.15,000/- per month to the petitioner No.1 towards maintenance of both the petitioners as respondent No.2 is studying in Class-X. The petitioner-husband has approached this Court after considerable delay of 303 days against the grant of interim maintenance in favour of the wife and his own son. The main maintenance case is pending since 2022, i.e. about 3(three) years.

5. In such circumstances, this Court is not inclined to entertain the application as it is barred by considerable delay. The delay condonation petition [I.A. No.01 of 2025] stands dismissed. However, while parting, this Court is of the opinion that the main maintenance case should be decided expeditiously by the learned Family Court as such matters should not be kept

pending for such length of time. The maintenance case is pending since 2022. Therefore, the learned Judge, Family Court, Udaipur, Gomati Tripura would endeavour to decide the same within a period of 4(four) months. Parties shall cooperate in the proceedings and not take unnecessary adjournments.

6. The revision petition is accordingly disposed of without interfering in the interim order of maintenance.

(APARESH KUMAR SINGH), CJ



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