

**HIGH COURT OF TRIPURA
AGARTALA**

Crl. Rev.P. No.45 of 2025

Sri Ratish Chandra Paul,
S/o-Lt. Rabindra Chandra Paul,
R/o-Dongtich Lower Nangrh,
Lapalong, Shillong, Meghalaya,
PIN-793006.

----Petitioner(s)

Versus

Smt. Bina Rani Paul @ Bina Paul,
C/o-Sri Saday Bhushan Paul,
R/o-Radhapur, P.S.-Dharmanagar,
District-North Tripura, PIN-799250.

----Respondent(s)

For Petitioner(s)	:	Mr. Akash Nandi, Adv.
For Respondent(s)	:	None

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

02/12/2025

This criminal revision petition under Section 397 read with Section 401 of Code of Criminal Procedure, 1973 is filed challenging the order dated 22.04.2025 passed by Learned Judge, Family Court, Dharmanagar, North Tripura in connection with Case No.Misc 36 of 2024.

Heard Learned Counsel, Mr. Akash Nandi appearing on behalf of the petitioner-husband. None appeared on behalf of respondent-wife.

From the record it appears that notice has duly been served upon the respondent-wife.

Taking part in the hearing, Learned Counsel for the petitioner-husband submitted that the petitioner-husband is suffering from illness and he is in bed ridden condition. The petitioner-husband engaged one counsel from Dharmanagar Bar to conduct his defence but, due to sudden death of the wife of the Learned Counsel no step could be taken on behalf of the petitioner-husband. As such, Learned Judge, Family Court, Dharmanagar, North Tripura decided to proceed ex-parte against the

petitioner-husband and asked the respondent-wife to adduce evidence in support of her claim.

It is submitted by Learned Counsel for the petitioner-husband that the respondent-wife filed an application before the Court of Learned Judge, Family Court, Dharmanagar, North Tripura for enhancement of maintenance allowance from Rs.1,500/- to Rs.20,000/-. It is also further submitted by Learned Counsel for the petitioner-husband that initially the respondent-wife filed one application for maintenance allowance against the petitioner-husband and the then Learned Sub-Divisional Judicial Magistrate, Dharmanagar, North Tripura vide order dated 11.07.1995 awarded a sum of Rs.500/- per month for maintenance in favour of the respondent-wife. Thereafter, the respondent-wife filed another application under Section 127 of Cr.P.C. for enhancement of amount of maintenance awarded to her and the then Learned Sub-Divisional Judicial Magistrate, Dharmanagar, North Tripura by order dated 06.12.2010 in connection with Case No.Misc 51 of 2007 again enhanced the amount from Rs.500/- to Rs.1,500/- per month. Thereafter, the respondent-wife again filed another application before the Learned Judge, Family Court, Dharmanagar, North Tripura which is numbered as Misc 36 of 2024 for further enhancement of the maintenance allowance from Rs.1,500/- to Rs.20,000/- wherein vide order dated 22.04.2025 Learned Judge, Family Court decided to proceed ex-parte against the petitioner-husband and he was barred from filing his written objection .

It is submitted by Learned Counsel that if the petitioner-husband is not given the scope to contest the proceeding in that case he would be seriously prejudiced as because he is only drawing Rs.15,000/- as family pension. In support of his contention Learned Counsel has drawn the attention of this Court referring the pension payment order from which it appears that the monthly pension of the petitioner-husband is Rs.15,000/- per month (*Annexure-6*).

I find force to the submission of Learned Counsel for the petitioner-husband. I have also perused the record of the Learned Court below.

It appears that before the Learned Judge, Family Court, Dharmanagar, North Tripura, the petitioner-husband appeared and sought time on so many occasions on the ground of his illness. However, on 22.04.2025 the petitioner-husband remained absent. So, Learned Court below adjourned the case fixing 21.05.2025 for documents. On 21.05.2025 also the petitioner-husband remained absent and the case was further adjourned to 26.06.2025 for filing examination-in-chief. Again, on 26.06.2025 the case was adjourned fixing 13.08.2025 for submission of evidence on behalf of the respondent-wife and by this time record has been called for.

So, after hearing Learned Counsel for the petitioner-husband it appears to this Court that the petitioner being the husband of the respondent-wife be given the scope to contest the proceeding before the Learned Judge, Family Court, Dharmanagar, North Tripura.

Accordingly, the order dated 22.04.2025 passed by Learned Judge, Family Court, Dharmanagar, North Tripura stands set aside with direction that the petitioner-husband shall deposit a sum of Rs.5,000/- before the Learned Judge, Family Court, Dharmanagar, North Tripura on or before the next date and the Learned Judge, Family Court, Dharmanagar, North Tripura after receipt of the amount from the petitioner-husband shall hand over the same to the respondent-wife after obtaining proper receipt. On that day the petitioner-husband shall file his written objection which shall be accepted by the Learned Judge, Family Court, Dharmanagar, North Tripura. Learned Judge, Family Court, thereafter, after hearing both the sides shall make all endeavour to dispose of the case within a period of next 3(three) months from the date of the receipt of the copy of this order.

The petitioner-husband shall appear before the Learned Trial Court on 19.12.2025 and shall deposit the amount along with his written objection.

With this observation, the instant criminal revision petition stands disposed of.

Send down the record to the Learned Trial Court along with a copy of this order. A copy of this order be supplied to Learned Counsel for the petitioner-husband for information and compliance.

JUDGE



Snigdha

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