

**HIGH COURT OF TRIPURA
AGARTALA**

Crl. Rev. P. No.47 of 2025

Smt. Sampa Debnath (aged about 24 years),
Wife of Sri Rana Pratap Debnath,
Daughter of Sri Subal Debnath,
Resident of Uttar Brajapur, Bishalgarh,
P.O. Brajapur, P.S.-Bishalgarh,
District- Sepahijala, Tripura,
PIN-799102.

.... Petitioner.

Versus

- 1. Sri Rana Pratap Debnath,**
Son of Late Gopal Debnath,
Resident of Uttar Banamalipur,
Bhutoriya Company,
Mara Chowmuhan, near Electric Office,
P.O.- Dhaleswar, PS- East Agartala,
District- West Tripura;

- 2. State of Tripura**

.....Respondents.

For Petitioner(s)	:	Mr. Sankar Lodh, Adv.
For Respondent(s)	:	Mr. Rajib Saha, Addl. P.P.
Date of Hearing and delivery of Judgment and Order	:	02.12.2025
Whether fit for Reporting	:	NO

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order (Oral)

This criminal revision petition under Section 19(4) of the Family Courts Act, 1984 read with Section 397 and 401 of the Code of Criminal Procedure is filed challenging the order dated 13.06.2025 passed by Learned Additional Judge, Family Court, Agartala, West Tripura in connection with Case No.Crl. Misc.(Int.) 332 of 2024.

02. By the said order, Learned Additional Judge, Family Court, Agartala, West Tripura has allowed interim maintenance at the rate of Rs.2000/- per month in favour of the petitioner-wife.

03. Heard Learned Counsel Mr. S. Lodh appearing on behalf of the petitioner-wife but none appeared on behalf of the respondent-husband inspite of receipt of notice. Learned Addl. P.P. Mr. R. Saha appeared on behalf of the State-respondent.

04. Taking part in the hearing, Learned Counsel first of all drawn the attention of the Court referring the application for granting maintenance allowance filed by the petitioner-wife wherein in Para No.12, the petitioner prayed for interim maintenance at the rate of Rs.20,000/- per month till disposal of the original petition. But the Learned Court below at the time of delivering order only awarded a sum of Rs.2000/-.

05. It was further submitted by Learned Counsel for the petitioner-wife that in the written objection filed by the OP-husband in Para No.15 the OP-husband admitted that he is a Government employee but disputed the monthly salary of Rs.45,000/-. However, referring the salary certificate **(Annexure-3)** Learned Counsel for the petitioner-wife drawn the attention of the Court that as per salary certificate the OP-husband was drawing Rs.41,524/-. There was no evidence on record from the side of OP-husband that he is to spend money

for some other purposes including loan etc. But the Learned Counsel without any justified grounds only allowed very meager amount.

06. It was also drawn to the attention of the Court by Learned Counsel referring the bank statement of the respondent-OP wherein it will transpire that on regular basis he is spending money for playing gambling but the OP was/is always refused/neglected to provide maintenance to the petitioner-wife.

07. Learned Counsel Mr. S. Lodh further submitted that the marriage between the petitioner and the respondent-OP took place on 06.03.2022 and she resumed conjugal life for a period of less than one year and at her matrimonial home she was subjected to severe physical torture and mental abuse which compelled to leave her matrimonial home. The marriage has not been disputed by the respondent-OP in the written objection. The OP-husband in the written objection denied the assertions of the petitioner-wife rather took the plea that he was very much willing to lead conjugal life with the petitioner-wife. However, Learned Trial Court in absence of evidence on record, after hearing both the sides, came to the observation that the petitioner-wife could not produce any documentary evidence on record in support of her alleged torture by her husband and thus awarded interim maintenance at the rate of Rs.2000/- per month.

08. It is the settled position of law that interim maintenance may be granted till disposal of the original maintenance petition. At the time of granting interim maintenance there is very little scope on the part of the Court to consider the evidence on record. Because normally it is found that at the time of filing the original application for granting maintenance separate application is filed. So based on the affidavit the Court is to pass an order. In course of hearing, Learned Counsel drawn the attention of the Court that the petitioner-wife is presently staying in the residence of her parents having no source of income to sustain her livelihood.

09. Here in the case at hand, after going through the relevant papers submitted with the petition it appears that since the OP-husband did not dispute his marriage with the petitioner-wife and there was no evidence on record from the side of the OP-husband that from his salary amount he has to spend a considerable amount for some other purpose. In that situation granting of interim maintenance at the rate of Rs.2000/- per month by the Learned Court below in my considered view was not proper. However, at the time of passing an order it is to be kept in mind that the facts and circumstances of the case and the status of the parties and also the income level of the other side and cost index. Since, it is the admitted position that the OP-husband was drawing a sum of rupees more than Rs.41,000/- and there is no evidence

on record that the petitioner-wife is earning. So, in my considered view till disposal of the original miscellaneous application that is the maintenance application the OP-husband shall pay interim maintenance till disposal of the claim petition at the rate of Rs.10,000/- per month to the petitioner-wife from the date of filing the interim maintenance application that is w.e.f. 03.06.2024. If by this time any amount is paid to the petitioner-wife by the respondent-husband that should be deducted from the amount of interim maintenance awarded by this Court. In spite of receipt of notice the OP-husband did not appear before this Court even from the record it appears that the matter was earlier referred to Lok Adalat but no decision could be arrived at. The arrear interim maintenance allowance be paid to the petitioner-wife in 20 (twenty) equal installments and the amount of interim maintenance be given to the petitioner-wife by the respondent-husband to her respective SBI account till disposal of the main application.

With this observation, this case is disposed of.

Send down the record to the Learned Trial Court along with a copy of this order.

Supply a copy of this order to the Learned Counsel for the petitioner free of cost for information.

Pending application/s, if any, also stands disposed of.

JUDGE

Amrita