

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
IA No.01 of 2025 IN CRL REV P No.10 of 2025

Sri Ganesh Chowhan

..... Applicant(s)

V E R S U S

Smt. Gouri Bhowmik Chowhan

..... Respondent(s)

For Applicant(s) : Mr. Anupam Baidya, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

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26/03/2025

Heard Mr. Anupam Baidya, learned counsel appearing for the applicant-petitioner.

The instant revision petition is directed against the order of interim maintenance at the rate of Rs.5,000/- granted in favour of the respondent-wife on 15.03.2024 by the learned Family Court, Agartala, West Tripura in Crl. Misc(Int.) 272 of 2023 arising out of Crl. Misc. No.271 of 2023. The revision petition suffers from a delay of 97 days. The learned Family Court observed that whereas the petitioner-wife had asserted that opposite party-husband is a businessman having moveable and immovable properties from where he earns Rs.50,000/- per month but the opposite party had reverted it stating that petitioner is also doing business as an Astrologer. None of the parties could substantiate the income of each other by cogent and documentary evidence. The factum of marriage was however not in dispute. However, opposite party had also not submitted his statement of assets and liabilities and whether he had any burden or not except the

petitioner-wife. In such circumstances, for the purposes of interim maintenance, the learned Family Court assessed his income even by the standard of a daily wage earner to be Rs.15,000/- per month since the opposite party is an able bodied person. Based on such assessment, one third of his monthly income i.e. Rs.5,000/- has been awarded as interim maintenance in favour of the wife from the date of filing of the interim maintenance application i.e. 16.05.2023.

Learned counsel for the petitioner submits that petitioner has no regular consistent source of income. He has been providing educational expenses for his daughter. He has also borne the treatment expenditure of the respondent-wife. Therefore, it would be an onerous for him to pay interim maintenance at the rate of Rs.5,000/- per month from the date of filing of the interim maintenance application.

Upon hearing learned counsel for the petitioner it appears from the records that the interim maintenance at the rate of Rs.5,000/- was awarded as back as 15.03.2024 by the learned Family Court, Agartala in favour of the wife on assessment of the income of the petitioner as Rs.15,000/- taking the yardstick of daily earning of a daily wage labourer even if he works for 25 days in the month since the opposite party/petitioner herein had not filed any statement of assessment in terms of the decision of the Apex Court in case of ***Rajnesh Versus Neha, reported in (2021) 2 SCC 324***. The main maintenance case is pending since last two years. Learned counsel for the petitioner has submitted that about Rs.22,000/- has been paid in lieu of maintenance by the petitioner after passing of the impugned order.

In such circumstances, when the main petition is pending and one year has elapsed after passing of the interim order of interim maintenance, this Court is not inclined to interfere in the impugned order. Instead in the facts and circumstances of the case this Court is of the opinion that the learned Family Court would endeavour to decide the main maintenance case expeditiously in a time-bound manner preferably within 5(five) months from the date of receipt of copy of this order. Parties shall cooperate in the proceedings. If they failed to do so, it would be open for the learned Family Court to dispose of the main maintenance case, in accordance with law.

The interlocutory application stands dismissed.

(APARESH KUMAR SINGH) CJ

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