

**HIGH COURT OF TRIPURA
AGARTALA**

**I.A. No.01/2024 in Crl.Rev.P. No.63/2024
Crl.Rev.P. No.63/2024**

Sri Koushik Dutta, S/O. Sri Nilangshu Dutta, Resident of Room No.-306,
Normada Residency-II, III-TDM Jannalpur, Dumna Airport Road, State
Madhya Pradesh, Pin-482005.

..... Petitioner(s).

V E R S U S

1. Smt. Ipsita Majumder, W/O. Sri Koushik Dutta, D/O. Saktipada Majumder.
2. Gunadrita Datta, D/O. Sri Koushik Dutta, Both are residents of Padma Pukur
Par, Old Kali Bari, Krishnanagar, P.O.-Agartala, P.S.-West Agartala, District-
West Tripura. (Respondent No.2 being the minor represented by her mother
natural guardian).

..... Respondent(s).

For Petitioner(s)	: Mr. Debalay Bhattacharya, Sr. Advocate, Mr. Samar Das, Advocate.
For Respondent(s)	: Mr. P. Roy Barman, Sr. Advocate, Mr. Samarjit Bhattacharjee, Advocate, Mr. Kawsik Nath, Advocate, Ms. Sutapa Deb Barman, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

08/01/2025

I.A. No.01/2024 in Crl.Rev.P. No.63/2024:

Heard Mr. Debalay Bhattacharya, learned senior counsel assisted
by Mr. Samar Das, learned counsel appearing for the petitioner-husband and
Mr. P. Roy Barman, learned senior counsel assisted by Ms. Sutapa Deb
Barman, learned counsel representing the respondent-wife and the minor
daughter.

2. The instant revision petition has been preferred under Section 397
read with Section 401 of the Code of Criminal Procedure, 1973 and Section
19(4) of the Family Courts Act, 1984 against the judgment and order dated

31.08.2023 passed by the learned Addl. Judge, Family Court, Agartala, West Tripura in Crl. Misc. case No.84 of 2022 whereby monthly maintenance of Rs.20,000/- (rupees twenty thousand) only (Rs.10,000/- each to the respondents No.1 & 2 respectively) has been awarded. This petition suffers from a delay of 298 days, for condonation of which I.A. No.01 of 2024 has been preferred.

3. Mr. Debalay Bhattacharya, learned senior counsel for the petitioner, submits that petitioner took advice from their counsel at Agartala and thereafter preferred the present revision petition after some delay since after receiving the judgment, he had gone to his place of posting, i.e. Jabbalpur. The matter relates to a dispute of maintenance between the spouses and concerning the minor daughter also who stays with the respondent-wife. Therefore, delay of 298 days may be condoned.

4. Mr. P. Roy Barman, learned senior counsel for the respondents, has opposed the prayer.

5. However, upon hearing learned counsel for the parties and taking into consideration the fact that the dispute is on the question of maintenance between the parties, delay is condoned in the interest of justice.

I.A. No.01 of 2024 stands disposed of.

Crl.Rev.P. No.63/2024:

6. Heard learned counsel for the parties on the main petition.

7. As observed hereinabove, the learned Addl. Judge, Family Court, Agartala, West Tripura has awarded a monthly maintenance @ Rs.10,000/-

each in favour of the wife and the minor daughter staying with the wife w.e.f. 01.02.2022 taking into account the gross salary of the husband as Rs.1,11,896/- and net salary as Rs.87,760/-. He has also taken into account that the wife is working in the Jute Corporation, Kolkata on a contractual basis where she is getting Rs.40,000/- per month. However, the wife has also stated that she is spending about Rs.20,000/- per month to maintain her parents and daughter also. The daughter was born on 19.01.2018 and she is about 7 years of age by now. During course of arguments, though learned counsel for the petitioner sought to question the findings of the learned Family Court on merits but submits that earlier also the petitioner had been consistently supporting the minor daughter by paying Rs.1,500/- per month.

8. Learned counsel for the petitioner further submits that the amount of Rs.20,000/- should be used for the maintenance of the minor daughter as the respondent No.1-wife is an earning lady having a contractual salary of Rs.48,000/- per month. In that way, the petitioner does not seriously contend the quantum of compensation awarded by the learned Family Court.

9. On the other hand, learned counsel for the respondent-wife and daughter submits that the learned Family Court has by well reasoned judgment taking into account the meager salary of Rs.40,000/- of the wife while living in a city like Kolkata and her liability to maintain the minor daughter has in a fair and equitable manner distributed the total maintenance amount of Rs.20,000/- awarded in their favour in the ratio of Rs.10,000/- to each of them. In doing so, the learned Family Court has also taken into account that the husband draws net salary of Rs.87,760/- and that at least $\frac{1}{3}^{\text{rd}}$ of the total income of the

husband is legally permissible to be allowed towards maintenance of the destitute wife or any minor children living with her. Therefore, the order requires no interference.

10. I have considered the submissions of learned counsel for the parties and taken note of the gamut of facts placed from record. I have also perused the impugned judgment.

11. On consideration of the submission of learned counsel for the petitioner, it transpires that the petitioner is not really aggrieved by the quantum of compensation awarded in favour of the respondent-wife and minor daughter rather seeks the apportionment of the compensation exclusively for the welfare and upbringing of the minor daughter. Therefore, there is no need to enter into the merits of the findings of the learned Family Court. The question is whether such a plea raised by the petitioner-husband to apportion the entire amount of Rs.20,000/- in favour of the minor daughter on the ground that the respondent No.1-wife is also earning merits acceptance. No doubt, the respondent No.1-wife is also earning as an employee in the Jute Corporation, Kolkata. However, it is also worth taking note of that a sum of Rs.40,000/- is not sufficient for maintaining a decent standard of living in a city like Kolkata where the cost of living, the expenses for running the house, conveyance etc. would be substantial. On the other hand, it is also expected that the respondent No.1-mother would, in all fairness, expend even beyond the amount of Rs.10,000/- awarded as monthly maintenance in favour of the minor daughter in case her upbringing, schooling, conveyance and nutritional needs require more support. The concern of the father for proper upbringing of the minor

daughter is worthy of appreciation. However, such a plea appears to be actuated by past bitter experiences between the spouses rather than on any reasonable grounds of apprehension that his minor daughter would not be properly maintained by her mother. The learned Family Court after taking into account all the relevant factors deemed it proper to allow maintenance of Rs.10,000/- each, i.e. in equal proportion to the wife and the minor daughter which this Court does not consider necessary to interfere in revisional jurisdiction. The impugned judgment, therefore, does not appear to suffer from any illegality or irregularity.

12. Accordingly, the instant revision petition is dismissed.
Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ

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