

**HIGH COURT OF TRIPURA
AGARTALA
MAT. APP. NO.31 OF 2024**

Smt. Sangita Debnath
Vs.
Sri Sentu Debnath.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Present:

For the Appellant(s) : Mr. Prabir Saha, Advocate.
For the Respondent(s) : Mr. Kaushik Datta, Advocate.
Mr. Saugat Datta, Advocate.

28.01.2025

Order

This present appeal has been filed seeking to set aside/reverse the impugned Judgment & Order dated 14.06.2024, as well as the decree dated 28.06.2024, in connection with Case No. T.S (R.C.R) 98/2021, passed by the learned Additional Family Judge, Court No. 2, West Tripura, Agartala.

2. The brief facts of the case is that the marriage between the appellant-wife and the respondent-husband was solemnized on 30.01.2019 as per Hindu rites and customs. In the said marriage, the parents of the appellant-wife, as per the demand of the respondent-husband, provided all necessary articles along with Rs. 1,50,000/- in cash. Prior to

marriage, it was a condition precedent that the appellant should complete her graduation. On the day of the marriage ceremony, the respondent demanded a luxury vehicle. After the marriage, due to household responsibilities and the demand for the vehicle, the appellant-wife was allegedly subjected to physical and mental torture by the respondent and his mother. Additionally, they attempted to obstruct the appellant's education. Ultimately, the appellant was driven out of the respondent's house on 02.05.2021.

3. Thereafter, the respondent initiating a case before the Family Court bearing No. T.S (RCR) 98/2021, the appellant subsequently filed a maintenance proceeding against the respondent, who is a government servant. During reconciliation in the maintenance proceedings, the appellant accepted the respondent's proposal for maintenance of Rs. 4,500/-, and accordingly, the learned Family Court, on 26.08.2022, passed an order directing the respondent to pay the said maintenance.

4. After exhausting all proceedings in Case No. T.S (RCR) 98/2021, the learned Family Court passed a Judgment & Decree in favor of the respondent, directing the appellant to restore conjugal life within 45 days, failing which she would

not be entitled to maintenance. Since the date of the order, the maintenance allowance has been stopped. Aggrieved by this, the appellant-wife has preferred this appeal seeking the following reliefs:

"i. Admit this appeal.

ii. Issue notice upon the respondent.

iii. Call for the relevant record in Case No. T.S (FC) R.C.R 98/2021 from the learned Additional Family Judge, Court No. 2, West Tripura, Agartala, along with the impugned Judgment & Order dated 14/06/2024, as well as the decree dated 28/06/2024.

iv. After hearing both the parties at length in terms of the grounds set forth above, be pleased to quash/set aside/reverse the impugned Judgment & Order dated 14/06/2024 as well as decree dated-28/06/2024, in connection with Case No. T.S (FC) R.C.R 98/2021, passed by the Ld. Additional Family Judge, Court No. 2, West Tripura, Agartala and thereafter allow the Appeal filed by the Appellant.

V. Pass an order for staying the operation of the impugned Judgment & Order dated 14/06/2024 as well as decree dated-28/06/2024, in connection with Case No. T.S (RCR) 98/2021, till the disposal of the instant Appeal."

5. Heard Mr. Prabir Saha, learned counsel appearing for the appellant-wife, and Mr. Kaushik Datta, learned counsel appearing for the respondent-husband.

6. In compliance with the order of the Court dated 21.01.2025, both parties are personally present before this Court today. Despite repeated efforts made by this Court to facilitate reconciliation, the appellant-wife expressed her

unwillingness to resume conjugal life, stating that she had suffered significantly and could not contemplate returning. On the other hand, the respondent-husband expressed his desire to lead a conjugal life with the appellant-wife.

7. Mr. P. Saha, learned counsel for the appellant-wife, submitted that, based on the observation made by the lower court in paragraph 36 of the Judgment & Order dated 14.06.2024 in Case No. T.S (R.C.R) 98/2021, the respondent has stopped paying maintenance allowance, causing hardship to his client.

8. Heard.

9. After thoroughly examining the Judgment and Decree in the restitution of conjugal rights case dated 14.06.2024 and the corresponding decree dated 28.06.2024, and after personally hearing both parties, this Court finds no reason to interfere with the findings of the learned Family Court. Accordingly, the Judgment & Decree are upheld. However, the condition imposed in paragraph 36 of the said Judgment, which links the payment of monthly maintenance to the restoration of conjugal life, is found to be unjust and is therefore expunged. The respondent is directed to continue paying the maintenance allowance as per law. Both parties are

at liberty to take steps in accordance with law for the respective lawful remedies. .

10. Accordingly, paragraph 36 of the Judgment dated 14.06.2024 is clarified to the extent indicated above. With the above observation and direction, this present appeal stands disposed of. As a sequel, stay if any stands vacated. Pending application(s), if any stands closed.

B. PALIT, J

T. AMARNATH GOUD, J

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