

**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Rev.P.No.25 of 2025

Sri Anil Debbarma
S/o. Late Bishwa Chandra Debbarma,
C/o. Sri Sudhangshu Ghosh,
R/o. Natunnagar,
P.S. West Agartala,
Dist.- West Tripura.

----- **Petitioner(s)**

Versus

Smt. Bani Debbarma,
W/o. Sri Anil Debbarma,
R/o. Natun Palli, Gorkhabasti,
P.O. Kunjaban – 799006
P.S. NCC, Agartala,
Dist.- West Tripura

----- **Respondent(s)**

For Petitioner(s) : Mr. Debesh Ch. Roy, Adv.

For Respondent(s) : None.

Date of Hearing &
Judgment and Order : 13.03.2026

Whether fit for
Reporting : NO

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order(Oral)

This revision petition is filed under Section 397 read with Section 401 of Cr.P.C. and under Section 19(4) of the Family Courts Act challenging the judgment and order dated 27.02.2025 passed by Learned Judge, Family Court, Agartala, West Tripura in connection with case No.Crl.Misc.393 of 2022.

02. Heard Learned Counsel, Mr. D. Roy appearing on behalf of the petitioner-husband but none appeared on

behalf of the respondent-wife-petitioner inspite of proper service of notice although in earlier occasion the respondent has appeared through her engaged Learned Counsel.

03. Taking part in the hearing, Learned Counsel for the petitioner drawn the attention of this Court that the respondent O.P. being the wife of the petitioner-husband filed one petition before the Family Court seeking maintenance for her minor son Master Anibash Debbarma which was numbered as CrI.Misc.393 of 2022. It was further submitted that both the parties of this proceeding are Government servant and in para No.16 it was specifically asserted that the respondent-wife-petitioner was drawing gross salary of Rs.97,650/- per month and the petitioner-husband was drawing Rs.40,000/- per month as LDC from the Department of Horticulture. The said minor son being the adopted son was taking care of by the respondent-wife-petitioner but the Learned Trial Court knowing fully the fact that the respondent-wife-petitioner had sufficient means to maintain the minor son, awarded maintenance of Rs.10,000/- in favour of the minor son w.e.f. 14.06.2022 but according to Learned Counsel, the petitioner-husband has taken huge loan from the department and he has to bear other expenditures. So, the amount awarded by Learned Judge, Family Court was unreasonable and exorbitant and as such Learned Counsel urged for modification of the order passed by Learned Judge, Family Court, Agartala.

It was further submitted that since the respondent-wife is in service and also is in a position to bear expenditure of the minor son, so it would be prudent if the order is modified and the amount of maintenance is reduced. As already stated none appeared at the time of hearing on behalf of the respondent-wife although in earlier occasion the respondent-wife appeared through her engaged counsel and sought time for hearing and time was granted. Thus, it appears that the respondent-wife is not interested to contest the case.

04. I have perused the judgment dated 27.02.2025 passed by Learned Judge, Family Court, Agartala, West Tripura in CrI.Misc.No.393 of 2022. In para No.16 it has been asserted by Learned Court below that the respondent-wife is a Government servant drawing gross salary of Rs.97,650/- and her net salary was Rs.30,508/- after contribution to GPF and other expenditures and the O.P. is also serving under Horticulture Department as LDC and he was drawing Rs.40,000/- per month. It is also on record that he had drawn Rs.8,00,000/- as loan from the bank and for that he has to pay a considerable amount as EMI every month.

However, Learned Trial Court considering the facts and circumstances of the case awarded maintenance in favour of the minor son of the respondent-wife at Rs.10,000/- per month. It is also the admitted position that said minor son is an adopted son and Section 125 of Cr.P.C.

provides scope for granting maintenance to such sum. The petitioner-husband did not dispute that the son of the respondent-wife is not his adopted son also and as per law being a father and able-bodied person he is under obligation to provide maintenance to his children also. Similarly, in this present matter the petitioner-husband also cannot avoid his responsibility to provide maintenance to his son. From the record it transpires that the monthly income of the respondent-wife is more than the monthly income of the present petitioner-husband and that minor son is undergoing studies in a school and he requires food, clothing, shelter, education, medical attendance for his survival. There is no evidence on record that the said respondent-wife has got other obligations to pay maintenance and to contest the averments of the petitioner in this petition she also did not prefer to contest this case before this Court although she engaged one counsel who remained absent at the time of hearing. It is also on record that the said son is a student of class VII at present. So, it appears to this Court that if the amount of maintenance is reduced to Rs.6,000/- then this amount would assist the respondent-wife to maintain the said minor son as she has got sufficient means to maintain the son also.

At the time of hearing, Learned Counsel further drawn the attention of this Court that this amount may be reduced w.e.f. 14.06.2022. But considering the facts and circumstance of this case, this Court does not find any scope

to modify the order w.e.f. 14.06.2022, rather it appears to this Court that the petitioner-husband shall provide maintenance for the minor son at the rate of Rs.6,000/- per month w.e.f. April 2025 i.e. the month in which this petition was preferred before this High Court.

05. In the result, the petition filed by the petitioner is hereby allowed. The order dated 27.02.2025 passed by Learned Judge, Family Court, Agartala, West Tripura is hereby modified to the extent that the petitioner-husband shall provide maintenance to the minor son which shall be remitted to the bank account of the respondent-wife-petitioner from the month of April 2025 onwards at the rate of Rs.6,000/- per month in place of Rs.10,000/- per month as ordered by the Learned Court below which shall be payable by the petitioner-husband to the respective bank account of the respondent-wife within first week of the next following month in which the maintenance allowance shall become due to the minor son of the respondent-wife-petitioner.

From the record it appears that as per order dated 25.11.2025 the petitioner-husband has deposited a sum of Rs.1,00,000/- to the Registrar General of this High Court vide cheque bearing No.807147 dated 27.01.2026. This amount may be released by the Registrar General, High Court of Tripura in favour of the respondent-wife-petitioner on her approach to the Registry of the High court after

proper identification. The rest balance amount of arrear maintenance allowance, if any, i.e. with w.e.f. 14.06.2022 to March 2025 shall be cleared up by the petitioner-husband in 25 equal installments and the amount due from April 2025 to till date at the rate of Rs.6,000/- per month as per order of this Court shall be cleared up in 3 equal installments by the petitioner husband to the respective bank account of the respondent-wife and thereafter, the normal maintenance allowance as ordered shall be paid by the petitioner-husband to the respondent-wife for the minor son to her bank account as ordered by this Court.

With this observation, this revision petition stands 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 Learned Counsel for both the sides.

Pending application(s), if any, also stands disposed of.

JUDGE

PURNITA DEB

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