



**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Petn. No.37 of 2026

Saikat Saha,
Son of Sri Sankar Saha,
Resident of Banamalipur, Agartala,
P.S. East Agartala, West Tripura

-----Petitioner

-Vs-

- 1. Smt. Rupa Banik (Saha),**
Daughter of Sri Gopal Chandra Banik,
Wife of Saikat Saha
- 2. Master Sauhardya Saha,**
Son of Sri Saikat Saha,
(To be represented by his mother,
being the respondent No.1, herein),
Both are the residence of
Jogendranagar, Vidyasagar Palli,
P.S. East Agartala, West Tripura

3. The State of Tripura

---Respondent

For Petitioner(s)	:	Mr. Arjun Acharjee, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

20/05/2026

This petition under Section 528 of BNSS is filed for quashing the order dated 07.04.2025 passed by Learned Judge, Family Court, West Tripura, Agartala in connection with Case No.Crl. Misc. 47 of 2022. The relevant part of the order for which the petition is filed is quoted herein below:

"The OP has already made payment of Rs.1,50,000/- to the petitioner as first installment on 06.03.2025 and he was directed to pay Rs.34822/- each in 6(six) installments to cover the remaining balance of Rs.2,08,932/-."

Referring the same Learned Counsel Mr. A. Acharjee drawn the attention of the Court that there was a maintenance proceeding against the present petitioner filed by his wife which was registered as Misc.515 of 2018 and in the said proceeding by

the order dated 10.03.2021 Learned Judge, Family Court asked the present petitioner respondent to pay the maintenance allowance @Rs.15,000/- per month both for the wife and the minor son w.e.f 19.12.2018. The present petitioner also challenged that order which was also rejected by this High Court. Thereafter against the order passed in execution proceeding bearing case No.Misc. 515 of 2018 dated 10.03.2021 the present petitioner respondent approached this High Court and this High Court by order dated 12.02.2025 in Crl.Petn. No.35 of 2024 asked the petitioner to deposit Rs.1,50,000/- out of arrear amount of maintenance of Rs.3,58,932/- i.e. up to the date of filing the execution petition within a period of four weeks. After that the present petitioner husband as per direction of the High Court on 06.03.2025 paid Rs.1,50,000/- to the wife petitioner i.e. the respondent herein. But the Learned Judge, Family Court without any specific direction of the Hon'ble High Court further directed the present petitioner husband to pay Rs.34,800/- by six installments to cover the balance amount of Rs.2,08,932/- and being dissatisfied with the said order this petition is filed.

It was further submitted by Mr. Acharjee, Learned Counsel that when the original maintenance petition was filed before the Learned Family Court the present petitioner produced income certificate showing his monthly income at Rs.7000/- but the Learned Judge, Family Court did not accept the contention and ultimately directed the present petitioner to pay maintenance allowance @Rs.15,000/- per month. In the meantime the income of the present petitioner has been raised and he has been

appointed by the Directorate of Panchayats by memo dated 04.09.2025 wherein he has been appointed as Rural Program Manager on monthly fixed pay of Rs.18,975/- and excepting this amount he has no other income to pay the amount of maintenance allowance as ordered by Learned Family Court @ Rs.15,000/-. So the present petitioner has filed a separate petition before the Learned Judge, Family Court which has been registered as Misc.639 of 2025 and urged before this Court to set aside the order dated 07.04.2025 regarding payment of the balance amount of Rs.2,08,932/- by six installments with a further direction to the Learned Judge, Family Court to dispose of the matter i.e. Case No.Misc.639 of 2024 as early as possible.

Learned P.P. is also present on behalf of the State-respondent and submitted that at this stage there is no scope to admit the petition and to modify the order since the original order has been attained finality.

So after going through the present petition and the supported documents it appears that there are multiple cases cropped up amongst the rival parties. But it is the admitted position that the original maintenance order dated 10.03.2021 passed by the Learned Judge, Family Court in Misc.515 of 2018 has attained finality because the same also has been confirmed by this High Court. So there is no scope to make any observation about the said order passed by Learned Judge, Family Court on 10.03.2021 as the same has been attained finality. Now regarding the balance amount of arrear maintenance since the petitioner has only paid Rs.1,50,000/- so he is legally bound to pay the balance

amount of arrear maintenance petition due up to the date of filing of execution petition and the subsequent period also.

So at this stage this Court does not find any scope to review/modify the order dated 07.04.2025 passed by Learned Judge, Family Court, Agartala, West Tripura in Crl. Misc. No.47 of 2022 and accordingly the present petition filed by the petitioner is not admitted being devoid of merit and the same stands rejected. However, since a separate application already been stated above bearing No.Misc.639 of 2025 has been filed by the present petitioner husband wherein there is scope on the part of the petitioner to adduce evidence to substantiate his claim of change circumstances. So it is desired that Learned Judge, Family Court shall dispose of the said case giving top priority and to consider the payment of the arrear maintenance allowance subject to the financial condition of the present petitioner in pursuance of the order dated 07.04.2025 passed in Misc.47 of 2022.

With this observation, this petition stands disposed of.

Send a copy of this order to the Judge, Learned Family Court, Agartala, West Tripura for information and compliance.

JUDGE

AMRITA DEB

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AMRITA DEB
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